

**Updated version Act No. 358/1992**  
**passed by the Czech National Council**  
dated on 7th May, 1992  
**on Notaries and their Work Activities (Notarial Procedures)**

as amended by Act No. 82/1998 Coll., Act No.. 30/2000 Coll., Act No.. 370/2000 Coll., Act No. 120/2001 Coll., Act No. 317/2001 Coll., Act No. 352/2001 Coll., Act No. 501/2001 Coll., Act No. 6/2002 Coll., Act No. 88/2003 Coll., Act No. 18/2004 Coll., Act No. 237/2004 Coll., Act No. 284/2004 Coll., Act No. 554/2004 Coll., Act No. 628/2004 Coll., Act No. 216/2005 Coll., Act No. 344/2005 Coll., Act No. 377/2005 Coll., Act No. 70/2006 Coll., Act No. 81/2006 Coll., Act No. 308/2006 Coll., Act No. 296/2007 Coll., Act No. 126/2008 Coll., Act No. 254/2008 Coll., Act No. 301/2008 Coll., Act No. 7/2009 Coll., Act No. 227/2009 Coll., Act No. 142/2012 Coll., Act No. 202/2012, Act No. 396/2012 Coll., Act No. 303/2013 Coll., Act No. 243/2016 Coll., Act No. 298/2016 Coll., Act No. 460/2016 Coll., Act No. 258/2017 Coll., Act No. 94/2018 Coll., Act No. 7/2019 Coll. and Act No. 111/2019 Coll.:

The Czech National Council has resolved upon the following Act:

**PART ONE**  
**BASIC PROVISIONS**

Section 1

- (1) A notary is a natural person who complies with the requirements under this Act and whom the State entrusted with the notarial office.
- (2) Notarial office means a collection of authorities to perform notary and other activities stipulated by the law (hereinafter only "notarial work") that are permanently associated with the premises at which the work is being performed.

Section 2

For the purpose of this Act, the notary means drawing up of public documents about legal acts, certifying legally significant facts and declarations, deposition of documents and, furthermore, receiving money and documents into custody (hereinafter only "notarial work"). A notary is impartial in providing the notarial work.

Section 3

- (1) A notary may provide, in connection with his/her notarial work and within the scope of other activities, the following legal aid:

A notary may provide the following legal services in connection with a notarial activity in the course of another activity:

- a) give legal advice and provide representation in dealings with natural and legal persons and in proceedings before public authorities; before the courts only in proceedings under Part Five of the Code of Civil Procedure, in matters regarding public registers and in matters pursuant to the Act on Special Procedures,
  1. estate proceedings in which he acts as a judicial commissioner,
  2. capital market proceedings,
  3. preliminary consent proceedings for conducting investigations in matters of protection of competition,
  4. proceedings to replace the consent of a representative of the Czech Bar Association to acquaint them with the content of the documents,
  5. proceedings for the enforcement of interim measures of the European Court of Human Rights,
  6. proceedings on court sale of pledge,
  7. family law proceedings except custody of minors and the enforcement of decisions in custody of minors
- b) and drafting of private documents and processing of legal analysis.
  - (2) A notary may provide administration of property and represents clients in lieu of this.
  - (3) A notary also acts in the position of an administrator of assets in bankruptcy, in the position of a special administrator, a deputy to an administrator or settlement administrator in bankruptcy and settlement proceedings.

#### Section 4

Within the scope of other activities, a notary also performs other work if so stipulated by the Act herein or by a special Act. 2) If the other activity consists of making entries in the Registry of Securities, Public Register or Public List, it is considered a notarial activity.

#### Section 5

- (1) A notary provides services against payment and he/she is independent in such services, unless pursuant to Section 4 so stipulated by a special Act.
- (2) Notary's work is incompatible with any other remunerative work with the exception of the administration of his/her own assets. Nevertheless, a notary may perform the work of a member of the Parliament, a member of a municipal or a regional council and any scientific, publishing, teaching, interpreting, expert witnessing, artistic work and work in an advisory body of the government, ministries, other central governmental agencies and local governmental bodies, against payment, and the activity of a registered mediator under the Mediation Act.

## Section 6

Notarial records and their counterparts, extracts from notarial records and authentication documents drawn up pursuant to this Act (hereinafter only "notarial documents") are considered public documents if they fulfil requirements stipulated by the Act herein.

## **PART TWO NOTARY**

### ***SUBPART ONE* NOTARY AND NOTARIAL OFFICE**

## Section 7

(1) A person can be appointed a notary if he/she is a citizen of a member state of the European Union, another state of the European Economic Area or of the Swiss Confederation, who

- a) has full legal capacity,
- b) has obtained a university degree in law
  1. in a Master's degree program in law and legal science by studying at a university in the Czech Republic
  2. or by studying at a university abroad if such education is recognized in the Czech Republic as equivalent to the education referred to in point 1 on the basis of an international treaty binding on the Czech Republic, or if such education has been recognized under a special legal regulation and at the same time corresponds to the content and scope of the general education which can be obtained in the Master's degree program Law and Legal Science at a university in the Czech Republic,
- c) has no criminal record,
- d) completed at least five years of notarial working experience and
- e) passed a notarial exam.

(2) Notarial practice is understood as working experience of notary, notarial candidate and notarial trainee under the Act herein as well as working experience of state notary and notary candidate under the earlier regulations. Working experience of a judge, a prosecutor, a state's attorney, an attorney, a commercial lawyer, judicial executor, a judge of the Constitutional Court, an assistant to a judge at the Constitutional Court or the Supreme Court and the Supreme Administrative Court, executor's candidate, a probationer, a trainee prosecutor, an assistant to a judge, an assistant to the public defender of rights, an assistant to a state's attorney, a trainee of a prosecutor's office, a trainee of a state's attorney office, a trainee attorney at law, a trainee executor or a trainee at a commercial lawyer's office, work of an employee of the Ministry of Justice (hereinafter

"Ministry") who completed a master's university degree in law at a university and who participates in bill formation of binding statutes of law shall also be fully considered by the Notarial Chamber (hereinafter "the Chamber") as the notarial practice; Minister of Justice (hereinafter "Minister") may upon a proposal of the Chamber consider as the notarial practice in other legal professions only two years of working experience.

(3) A notarial exam is understood as a notarial exam pursuant to the Act herein and as a notarial exam pursuant to earlier regulations. A person who passed a professional judicial exam, a justice administration exam, joint justice administration exam, joint justice administration and bar exam, prosecutor's exam, specialized final exam, bar exam, executor's exam and vocational exam for commercial lawyers is also considered to have passed a notarial exam as referred to in the Act herein.

## Section 8

(1) A notary is appointed in to the office by the Minister following a proposal submitted by the Chamber.

(2) The number of notarial offices existing under each district court is determined by the Minister upon the opinion given by the Chamber.

(3) A notarial office is established and abolished by the Minister upon the opinion given by the Chamber. A notary office bears the name and surname of a notary and functions under the District Court.

(4) The registered address of a notarial office corresponds with the registered address of the District Court in which circuit it has been established. If permitted by the local notarial chamber, a notary may change the registered notarial office address within the territory of the District Court.

(5) A notarial office can be abolished only when the notary appointed thereto has been removed from office or died.

(6) The Chamber submits a proposal pursuant to Subsection 1 based on the results) of a competition announced and organised by the Chamber. The Chamber shall include into the competition every applicant who satisfies the requirements stipulated in Section 7(1).

## Section 9

(1) The preconditions for a notary to begin his/her work are

- a) being appointed as a notary,
- b) taking an official oath before the Minister unless he/she has already done so earlier,
- c) acquiring an official notary's stamp,
- d) entering into a professional indemnity insurance contract concerning liability for harm which could occur in connection with the notarial work.

(2) The oath reads as follows:

"I swear on my honour and conscience that, when providing notarial work, I shall

observe Constitutional and other laws and generally binding legal regulations and confidentiality rules. I shall provide notarial work impartially and independently."

(3) The official notary's stamp consists of:

- a) notary's name, surname and degree if needed,
- b) the title "notary",
- c) registered notarial office address,
- d) a small national emblem of the Czech Republic.

## Section 10

(1) The Minister may discontinue the exercise of a notary's work if

- a) a criminal prosecution for a premeditated criminal offence or a criminal offence committed in connection with his/her notary's work has been commenced; this applies until the legally valid completion of the criminal proceedings,
- b) proceedings regarding the notary's limited authority have been commenced; the exercise of notarial work shall be discontinued until a legally binding decision is made and the proceedings are completed,
- c) a procedure pursuant to Section 51 has been commenced.

(2) The Minister shall discontinue the exercise of notary's work

- a) for the period of time during which the notary is serving a custodial sentence unless there are reasons to remove the notary from the office,
- b) for the period of time during which the notary is performing work incompatible with the notary's work, the longest though the period of 4 years continually.

## Section 11

The Minister shall remove a notary from the office

- a) upon his/her own request,
- b) if he/she refused to take the oath,
- c) on the 31 December of the calendar year in which he/she reaches 70 years of age,
- d) if he/she lost citizenship of a member state of the European Union, of another state of the European Economic Area or of the Swiss Confederation,
- e) if his/her authority has been limited,
- f) if he/she was sentenced for a premeditated criminal offence or for a criminal offence committed in connection with his/her notary's work,
- g) if his/her professional indemnity insurance contract pursuant to Section 9, subsection 1(d) expired and a notary fails to renew it within a designated time period despite of a notification served by the notarial chamber (Section 29),
- h) if a notary fails to commence the work without any serious reasons within three months after taking the oath,
- i) if it was ascertained by a legally binding decision issued by a Disciplinary Committee that his/her health condition does not allow him/her permanent and due exercise of the notarial work,

j) if he/she performs work incompatible with the notary's work for the period of 4 years continually.

## Section 12

(1) The notary's registered office is the registered seat of the notarial office into which he/she has been appointed. In his/her registered office, a notary shall set up a notarial office filed in the Register of Notaries administered by the local notarial chamber.

(2) A notary may establish official working days off premises as well as outside his/her registered office. A notary shall notify the Chamber and the local notary chamber which covers the territory where his/her registered office is located about the establishment of the official working days and their cancellation. The Chamber and notary chamber keeps record of the established official working days and their cancellation.

## Section 13

(1) A notary provides notarial services usually in the notary office and during the official working days also at the place of their execution. A notary public may perform individual acts at a different place as well. A notary shall perform an individual act at a different place if it is necessary.

(2) Notaries who are members of the same notarial chamber and notaries having the same seat may be associated as partners for the purpose of jointly carrying out the activity of a notary or for a common purpose of a matter. The contract under which a notary undertakes to associate for the purpose of joint performance of a notary's activity must be in writing.

(3) Notaries who have associated as partners under paragraph 2 for the purpose of joint performance of a notary's activity (hereinafter a "notary partner") shall jointly represent each other in the notarial activity. When representing the notary, the notary partner provides such work on behalf of the represented notary partner. He/she signs by his/her own name and also must state which notary partner he is representing. He/she uses his/her own official stamp of a notary.

(4) Notary partners are obliged to notify the Chamber and the notarial chamber of which they are members about the association for the purpose of joint performance of a notary's activity. The notification obligation shall also apply with regard to dissolution of the company; if there are more than two notary partners, it shall also apply as regards the departure of a notary partner from the company or his/her exclusion.

## ***SUBPART TWO*** **DEPUTY AND ALTERNATE TO A NOTARY**

## Section 14

(1) If a notary does not provide his/her work of a notary for a period longer than one month and if he/she is not represented by a notary partner or a notarial candidate (hereinafter "candidate") as stipulated by Section 24 herein, the local notary chamber shall appoint a deputy and determine the amount of his/her share in the absent notary's fee. An appeal can be lodged at the court against such decision.<sup>3)</sup>

(2) If a notary is aware of his/her incapacity to provide notarial services, the local notarial chamber shall appoint a deputy according to his/her proposal.

(3) If a notary has died or has been removed from the office, the local notarial chamber shall appoint an alternate notary (hereinafter "alternate") to cover the period of vacancy. An alternate shall be likewise appointed if the exercise of a notary's work has been discontinued pursuant to Section 10.

(4) A deputy is appointed from the list of candidates submitted by the notary; if there is no such candidate, then from the group of notaries or their candidates within the territory of the District Court; if there is no such candidate, then from the group of notaries or their candidates within the territory of the Regional Court.

(5) An alternate is appointed from the group of notaries within the territory of the District Court; if there is no such candidate, then from the group of notaries within the territory of the Regional Court.

(6) Appointment of a deputy or an alternate depends on the consent of a notary public referred to in subsections 4 and 5 herein or a candidate referred to in subsection 4 herein.

(7) Appointment of a deputy from the group of candidates depends on the consent of a notary at whose office the candidate is employed.

## Section 15

(1) If a candidate has been appointed as a deputy, a precondition for his/her performance of notarial work is that he/she must take an oath before the Minister (Section 9, Subsection 2), unless he/she has already done so earlier.

(2) The precondition for the performance of notarial work by an alternate is further to sign a profession indemnity insurance contract for harm that could arise in connection with performance of his/her work.

## Section 16

(1) A deputy represents a notary during the performance of notarial work particularly in urgent matters. He/she performs this work on behalf of the represented notary. He/she signs by his/her own name and adds the name of the notary he/she represents. If the deputy functions as a notary, he/she uses his/her own official notarial stamp. If the deputy functions as a candidate, he/she uses the official stamp of the notary whom he/she represents. The represented notary is not allowed to perform his/her notarial work during the time he/she is being represented.

(2) An alternate performs the notarial work on his/her own behalf; he/she performs

this work particularly in urgent matters.

***SUBPART THREE***  
**EMPLOYEES OF A NOTARY**

**Notary Trainee**

Section 17

(1) A notary trainee (hereinafter "trainee") is an individual registered in the list of notary trainees.

(2) The list of notary trainees is kept by the notarial chamber covering the district within which the notary who employs the trainee has his/her registered office.

Section 18

(1) Notarial chamber shall register into the list of notary trainees within two months from the day of service of a written application any applicant who:

- a) is a citizen of the European Union, of another state of the European Economic Area or of the Swiss Confederation,
- b) has full legal capacity,
- c) has obtained a university degree in law
  1. in a Master's degree program in law and legal science by studying at a university in the Czech Republic or
  2. by studying at a university abroad if such education is recognized in the Czech Republic as equivalent to the education referred to in point 1 on the basis of an international treaty binding on the Czech Republic, or if such education has been recognized under a special legal regulation and at the same time corresponds to the content and scope of the general education which can be obtained in the Master's degree program Law and Legal Science at a university in the Czech Republic,
- d) has no criminal record, and
- e) is employed by the notary.

(2) Notarial chamber shall notify both the trainee and the notary who is his/her employer about the registration pursuant to subsection 1 herein.

(3) An applicant who was not registered in the list of notary trainees within the designated period of time may seek the execution of the registration by lodging a petition to the court.

Section 19

A notary may authorize his/her trainee in writing with



- a) issuing of counterparts, copies or certified copies and extracts from notarial records pursuant to Section 94, authentication of compliance of a counterpart or a copy (hereinafter "counterpart") with the original document (hereinafter "vidimus"), verification of the authenticity of a signature (hereinafter "legalization") with the exception for vidimus and legalizations related to foreign countries, issuing of certified outputs from the public administration information system as stipulated in special act, issuing of copies or confirmation from the Register of Legal Acts in the event of death under Section 35c (3), issuance of certified copy, extract or confirmation from the Registry of Securities under Section 35i (1), issuance of certified copy or confirmation from the List of Matrimonial Property Documents under Section 35l (2), issuing of extracts from the Criminal Register, providing of the authorised documents conversion, providing of services of a contact authority pursuant to a special legal act 3a), and also with receiving deposits,
- b) individual acts pursuant to Section 3, subsection 1,
- c) preparatory and partial acts pursuant to Section 2 and Section 3, subsection 2,
- d) performance of other acts or works if so stipulated by this Act or a special legal act.

## Section 20

- (1) Notarial chamber shall delete from the list of trainees an individual,
- a) who died or who has been pronounced dead,
  - b) who lost citizenship of the European Union, of another state of the European Economic Area or of the Swiss Confederation,
  - c) whose authority has been limited,
  - d) who was sentenced for a premeditated criminal offence or a criminal offence committed in connection with his/her work as a trainee,
  - e) who requested in writing to the chamber of notaries to be deleted from the list,
  - f) whose employment at a notary was terminated and who consequently failed to commence employment at a notary with registered office within the district of the notarial chamber concerned within three months following the termination of his/her previous employment with a notary,
  - g) who has been enlisted as a notarial candidate.

(2) The notarial chamber shall notify both the trainee and the notary who is his/her employer about the deletion as stipulated by subsection 1 herein.

(3) An individual who has been deleted from the list of trainees may seek protection by lodging a petition to the court.

## Notarial Candidate

### Section 21

- (1) A candidate is an individual who has been enlisted as a notarial candidate.

(2) The list of notarial candidates is kept by the local chamber of notaries covering the district in which the notary who employs the candidate has his/her registered office.

## Section 22

(1) Notarial chamber shall register into the list of notarial candidates within two months from the day of service of a written application any applicant who

- a) meets the requirements stipulated by Section 18, subsection 1,
- b) completed at least three years of working experience at a notary's office (Section 7, subsection 2), and
- c) passed the notarial exam.

(2) Any applicant who meets the requirements stated in subsection 1, paragraph (a) and (b) must be allowed to take the notarial exam. Notarial exams take place at least once a year.

(3) Chamber of notaries shall notify both candidate and notary who employs the candidate about the registration as stipulated by subsection 1.

(4) An individual who was not registered in the list of notarial candidates within the designated period of time may seek the execution of registration by lodging a petition to a court.

## Section 23

A notary may authorize a candidate in writing to perform

- a) drawing up of notarial records about legal acts, unless the form of notarial record is for such act stipulated in a special act, drawing up of notarial records pursuant to Section 71b, certifying legally significant facts and declarations, unless it is a certification of a decision made by bodies of legal entities, issuing of counterparts, copies or certified copies and extracts from notarial records, issuing of certificates pursuant to Section 94, reception or release of deposits, issuing of certified outputs from the public administration information system as stipulated in special act, issuing of copies or extracts from the Registry of Securities, issuance of certified copy or confirmation from the Register of Legal Acts in the event of death under Section 35c (3), issuance of certified copy, extract or confirmation from the Registry of Securities under Section 35i (1), issuance of certified copy or confirmation from the List of Matrimonial Property Documents under Section 35l (2), issuing of extracts from the Criminal Register, providing of the authorised documents conversion and providing of services of a contact authority pursuant to a special act <sup>3a</sup>).
- b) preparatory and partial acts associated with other notarial work,
- c) performance of work according to Section 3, subsection 1,
- d) individual acts related to notarial work as stipulated by Section 3, subsection 2,
- e) performance of other acts or works if so stipulated by this Act or a special legal act.

## Section 24

(1) A candidate may be, based on the proposal submitted by the notary who employs him/her, assigned by the relevant notarial chamber to represent the notary concerned in performance of the notarial work, except for work pursuant to Section 3, subsection 3. A candidate shall perform such notarial work on behalf of the notary represented, signed by his/her own name and use the notary's seal of office. For such representation, Section 15, subsection 1 applies within reasonable scope. Notarial chamber of notaries shall cancel the assignment of the candidate as a deputy if so requested by the notary or the assigned candidate.

(2) Should a notary fail to perform work of a notary for a period longer than one calendar month, the relevant notarial chamber shall define the share on the notary's fee for the candidate who has been appointed as a deputy pursuant to subsection 1. An appeal against such decision may be lodged at the court.<sup>3)</sup>

## Section 25

(1) Chamber of notaries shall delete a candidate from the list of notarial candidates for the reasons stated in Section 20, subsection 1, paragraph (a) through (f).

(2) Chamber of notaries shall notify both the candidate and the notary who employs the candidate about the deletion pursuant to subsection 1.

(3) An individual who has been deleted from the list of notarial candidates may seek protection by lodging a petition to the court.

## Section 26

### **Other Employees of a Notary**

(1) A notary may entrust in writing other employees he/she employs with any preparatory and partial acts related to notarial work pursuant to Sections 2 and 3. If such employees passed a qualification exam, they may also be entrusted with work specified in Section 19, with the exception for individual acts under Section 3, subsection 1.

(2) An employee of a notary who has been employed by a notary or by a state notarial office for at least one year must be allowed to take the qualification exam. Chamber of notaries may include into this period a term during which such employee was employed by a court, by an attorney at law, by a regional bar association or by a commercial lawyer.

(3) Any professional or other similar exam passed by the state notary employees under earlier regulations is also considered a qualification exam. Notarial chamber may accept any professional or other similar exam passed by court employees, employees of attorneys at law, of regional bar associations or of commercial lawyers as a qualification exam pursuant to the Act herein.

## **Joint Provisions**

## Section 27

(1) Activities of the notary's employees according to his/her assignments pursuant to Sections 19, 23 and 26, subsection 1, are considered notarial work.

(2) During the execution of such work, the employee signs by his/her own name and uses the official notary's stamp.

#### Section 28

(1) A notary is obliged to enter into a professional indemnity insurance contract concerning liability for harm incurred to his/her employees during the execution of their work duties or in direct connection with them unless otherwise stipulated by a special act. The insurance must continue throughout the whole period of time during which the notary employs his/her employees.

(2) Labour-law relationships between the notary and his/her employees are governed by the Labour Code.

### **PART THREE** **NOTARIAL SELF-GOVERNANCE**

#### ***SUBPART ONE*** **NOTARIAL CHAMBER**

#### Section 29

(1) A Notarial chamber shall be established within the district of every Regional Court and within the district of the Municipal Court in Prague.

(2) The districts and registered offices of notarial chambers correspond with the districts and registered offices of the Regional Courts.

(3) The district and registered office of the notarial chamber covering the capital city of Prague corresponds with the district and registered office of the Municipal Court in Prague.

(4) The notarial chamber associates all notaries with registered offices within its district. A notary becomes a member of the notarial chamber on the day of his/her appointment as a notary. The membership in the notarial chamber terminates by his/her removal from office or by his/her death.

(5) The notarial chamber is a legal entity. Its income consists of membership contributions, gifts and other incomes. Notaries must pay membership contributions in the amount defined by the Council of Notaries (hereinafter only "Council").

#### Section 30

The notarial chamber consists of the following bodies:

a) The Council,

- b) The Presiding Committee,
- c) The President of the notarial chamber (hereinafter "President"),
- d) The Audit Committee.

### Section 31

(1) The Council is the supreme body of a notarial chamber.

(2) The right to participate at the Council meeting is given to notaries and candidates from the notarial chamber's district; candidates have only an advisory vote. A notary may authorize another notary in writing to proxy for him/her at the Council meeting and to vote on his/her behalf. The notary represented thereby is considered to be present at the Council meeting.

(3) The Council

- a) elects and removes members of the Presiding Committee and Audit Committee from the members of the notarial chamber,
- b) elects and removes the President and Vice-president (hereinafter "Vice-president") from the elected members of the Presiding Committee,
- c) from the members of the notarial chamber elects and removes delegates of the notarial chamber in the Chamber (hereinafter "delegates"); one delegate represents each initiated 20 members of the notarial chamber,
- d) from the elected members of Audit Committee elects and removes the Chairman of the Audit Committee,
- e) discusses and approves reports regarding the activities of other bodies of the notarial chamber,
- f) approves the budget and economic management of the notarial chamber,
- g) establishes social and other funds and approves the rules for their creation and use,
- h) defines the amount of membership contributions,
- i) approves the amount of compensation for the loss of time associated with the performance of the offices in the notarial chamber's bodies,
- j) may cancel or change any decision made by the Presiding Committee.

### Section 32

(1) The Presiding Committee is a governing and an executive body of the notarial chamber; it has from five to nine members.

(2) The Presiding Committee

- a) calls the committee session at least once in a year; it shall call the session within one calendar month any time if at least one third of the members of the notarial chamber requests so or if so requested by the Audit Committee,
- b) keeps a record of notaries with registered offices within the district of a notarial chamber,
- c) manages the financial resources of a notarial chamber and administers its assets,
- d) manages the funds of a notarial chamber,
- e) organizes qualification exams and appoints members of the examination board,

f) executes acts within the competence of a notarial chamber as defined by the Act herein.

### Section 33

#### (1) The President

- a) represents the notarial chamber externally and acts on its behalf in all matters,
- b) chairs sessions of the Council,
- c) calls the Presiding Committee at least once every three calendar months; calls the Presiding Committee within ten days provided that one third of the Presiding Committee members requests so or if so requested by the Audit Committee,
- d) chairs sessions of the Presiding Committee,
- e) makes decisions within the competency of the Presiding Committee that allow no delay; such decisions must be authorised at the next earliest meeting of the Presiding Committee,
- f) at a notary's request, gives his/her consent to the notary's absence at the office for a time period exceeding one month.

(2) The President is represented by the Vice-president.

### Section 34

(1) The Audit Committee consists of a chairman and two other members.

(2) Membership in the Audit Committee is incompatible with the membership in the Presiding Committee.

(3) The Audit Committee

- a) checks on the observance of the resolutions taken by the Council and the work of the Presiding Committee; for this purpose the Audit Committee must be allowed access to all documents of the notarial chamber,
- b) submits audit reports to the Council at least once in a year.

## ***SUBPART TWO***

## **THE CHAMBER OF NOTARIES OF THE CZECH REPUBLIC**

### Section 35

(1) The Chamber is to be established with its registered office in Prague.

(2) The Chamber consists of the notarial chambers.

(3) The Chamber is a corporate entity. Its income consists of contributions from notarial chambers, gifts and other income. Notarial chambers have an obligation to pay contributions in the amount defined by the Assembly of the Chamber (hereinafter only "Assembly").

### Section 35a

(1) The Chamber maintains, operates and administers a Registry of Securities

and the following registers and lists:

- a) Register of Legal Acts in the Event of Death,
- b) Register of Matrimonial Property Documents,
- c) List of Statements on Appointment of Trustee,
- d) List of Matrimonial Property Documents.

(2) The Chamber maintains the Registry of Securities, registers and lists in electronic form. The Chamber sets procedural regulation for maintaining, administering and operating the registers, lists or Registry of Securities and the manner of determining compensation of the Chamber's expenditures connected with maintaining the registers, lists or Registry of Securities.

(3) The Chamber lays down the following in particular in the regulations on the Registry of Securities

- a) procedure and method of recording, changing and deleting data,
- b) what other data besides the data stipulated in this Act is filed in the Registry of Securities,
- c) who records the data under letter b) in the Registry of Securities,
- d) procedure and method of issuing copies, extracts and confirmations from the Registry of Securities,
- e) procedure and method of storing deleted data.

(4) The Chamber lays down the following in particular in the regulations on the Register of Legal Acts in the Event of Death

- a) what data is filed in the register,
- b) procedure and method of recording, changing and deleting data,
- c) in what cases the Chamber makes a change to the record,
- d) method and procedure for providing a statement and issuing a copy of the record or confirmation,
- e) procedure and method of storing deleted data.

(5) The Chamber lays down the following in particular in the regulations on the Register of Matrimonial Property Documents

- a) what data is filed in the register,
- b) procedure and method of recording, changing and deleting data,
- c) in what cases the Chamber makes a change to the record.

(6) The Chamber lays down the following in particular in the regulations on the List of Statements on Appointment of Trustee

- a) procedure and method of recording data,
- b) procedure and method of recording changes to data and its deletion,
- c) what changes to records and what other data besides the data stipulated in this Act is filed in the register,
- d) who records the data under letter b) and c) in the list.

(7) The Chamber lays down the following in particular in the regulations on the List of Matrimonial Property Documents

- a) procedure and method of recording data,
- b) procedure and method of recording changes to data and its deletion,
- c) what changes to records and what other data besides the data stipulated in this

Act is filed in the register,

- d) who records the data under letter b) and c) in the list,
- e) procedure and method of issuing copies and confirmations from the list,
- f) procedure and method of storing deleted data.

(8) The Chamber stores data kept in the Registry of Securities and in the registers and lists indicated in Section 35a (1) let. a) and d) even after deletion, unless otherwise provided in this Act. At the written request of the court or of the law enforcement authorities, the Chamber shall provide information from the file of data of terminated matters. Information from the data file containing the records referred to in Section 35a (1) (a) can only be provided after the death of the testator.

(9) The Chamber shall be entitled to a fee for disclosure pursuant to Section 35c (2) to a person demonstrating a legal interest in making a record of a change or entry in the Registry of Securities pursuant to Section 35h and establishing a matrimonial property regime in the collection of documents and entering the information specified in Section 35j (3) (a) in the Register of Matrimonial Property Documents pursuant to Section 35k (2). The Chamber shall also be responsible for reimbursement of expenses related to the maintenance, operation and administration of the register, lists or the Registry of Securities, a lump sum reimbursement of fixed expenses for the establishment of remote and continuous access to data from the Registry of Securities and a lump sum annual reimbursement of cash expenditures for the provision of data via this access to public authorities.

(10) The Ministry shall establish by decree the amount of remuneration, one-off reimbursement of cash expenses for the establishment of long-term and continuous access to data from the Registry of Securities and a lump sum annual reimbursement of expenditures incurred for the provision of data from the Registry of Securities to the public authorities pertaining to the Chamber.

## **Register of Legal Acts in the Event of Death**

### Section 35b

(1) Documents on the following legal actions of the testator made for the event of death are filed in the Register of Legal Acts in the Event of Death:

- a) wills, codicils, inheritance agreements,
- b) declaration of inheritance and declaration that the heir to whom the succession in law is trusted does not acquire the estate,
- c) order to offset inheritance share, if such an order is not included in the will,
- d) appointment of the estate administrator, if not appointed in the will,
- e) contract on the waiver of inheritance right,
- f) the revocation of the legal actions under points (a) to (e).

(2) Documents on the legal actions of the testator in the event of death, which do not take the form of a notarial record, are filed only if they are in notarial



custody.

(3) Documents on the appointment of the estate administrator and documents on their revocation are kept separately from the other registered documents. Documents on the appointment of the estate administrator are kept together with the will containing the appointment of the executor of the will if the will in which the appointment of the executor is contained is in the form of a notarial record or if it is kept in notarial custody. In this case, the will is filed in both separate registers. This also applies to wills containing the appointment of the estate administrator.

### Section 35c

(1) Data is filed in the Register of Legal Acts in the Event of Death by remote access without undue delay by the notary who accepted the documents on the legal acts of the testator stated in Section 35b (1) into notarial custody or who drew up a notarial record of these legal acts.

(2) The Chamber shall notify the court or another state body and a person who demonstrates legal interest, upon their request, whether or not the document on legal acts of the testator in the event of death is filed, and if it is, which notary is keeping it. This information may be provided only after the death of the testator. The Chamber shall also provide this information to a notary in the case of a document on legal acts in the event of death made by a testator whose estate is subject to proceedings in which the notary is entrusted to perform acts as a judicial commissioner under the Act on Special Proceedings of the Court; the information shall be provided by means of remote access upon the notary's request.

(3) A notary who demonstrates a legal interest, upon his/her request, in obtaining information on whether a document on the profession of estate administrator or the profession of the executor of the will is filed in the Register of Legal Acts in the Event of Death and which notary is keeping it, issue a copy of the records from the Register of Legal Acts in the Event of Death, if a document on such legal acts of the testator is registered; if not, it shall issue confirmation of the fact that it is not filed. If multiple documents of this kind made by the same testator are filed, the copy shall contain a copy of the records of data of all these documents. The provisions of subsection 2, second sentence shall apply accordingly.

## **Register of Matrimonial Property Documents**

### Section 35d

- (1) The following shall be filed in the Register of Matrimonial Property Documents
- a) agreements between spouses or fiancés on matrimonial property different from the statutory regime,
  - b) agreements between spouses on changing the contractual regime,

- c) agreements between spouses on changes of matrimonial property based on a court decision,
- d) court decision in which the court repealed or reinstated the common property of spouses or narrowed its current extent,
- e) court decision changing the matrimonial property regime based on a court decision or contractual matrimonial property regime.

(2) The notary who drew up the contract or agreement shall file data in the Register of Matrimonial Property Documents on the contract or agreement under subsection 1 (a) to (c) by remote access without undue delay. Records of data on court decisions under subsection 1 (d) and (e) are made by the Chamber on the basis of counterparts of these decisions sent by the Chamber to the court in electronic form.

(3) The Chamber shall inform the notary whether or not a contract or agreement under subsection 1 (a) to (c) concluded by the testator whose estate is the subject of proceedings in which the notary was entrusted to perform acts as a judicial commissioner under the Act on Special Proceedings of the Court was filed or not, or whether a court decision under subsection 1 (d) and (e) regarding the property regime of the testator and his/her spouse was filed or not; if the contract or agreement is filed, it shall also provide information about the notary keeping it.

(4) The Chamber shall notify the notary by remote access upon his/her request.

### **List of Statements on Appointment of a Trustee**

#### Section 35e

(1) Declarations on appointment of a guardian and on repeal of a guardian (hereinafter "declaration on appointment of a guardian") are filed in the List of Statements on Appointment of Trustee in the form of a notarial record.

(2) The following are filed in the List of Statements on Appointment of Trustee: first name, surname, date of birth and residence address of the person who made the declaration on appointment of a guardian (hereinafter the "declarer"), the person appointed in the declaration as the guardian (hereinafter the "appointed guardian"), first name, surname and registered office of the notary who drew up the declaration on appointment of a guardian, and other information stipulated by the regulations of the Chamber on the List of Statements on Appointment of Trustee.

(3) The data on declaration on appointment of a guardian shall be filed in the List of Statements on Appointment of Trustee by remote access without undue delay by the notary who drew up the declaration.

(4) The Chamber shall inform the court at its request whether or not the declaration on appointment of a guardian is filed in the List of Statements on Appointment of Trustee; if it is, it shall also inform the court of the filed data on the declarer and the appointed guardian, and the notary keeping the declaration on appointment of a guardian. Requests are submitted and information provided by

remote access.

## Registry of Securities

### Section 35f

(1) The following data are filed in the Registry of Securities:

- a) identification of the security,
- b) designation of the debt secured by a pledge,
- c) distrainee, pledger and bond creditor, namely by stating their names, surnames, dates of birth or identification number if assigned, or other similar identification data (hereinafter only "identification number"), residence address or registered office of entrepreneur, if a natural person, or name, identification number and registered office if a legal entity with its registered office in the Czech Republic, or name and identification number of its branch or enterprise in the Czech Republic, and if the registered office is abroad, the registered office of its branch or enterprise in the Czech Republic, if known, in the case of a legal entity without a registered office in the Czech Republic.
- d) the legal cause of the pledge,
- e) on the prohibition to establish a pledge on things which are not registered in the Registry of Securities as a security and the designation of such things,
- f) on the fact that the registered right is a future pledge, if after the conclusion of the pledge agreement the pledgor shall become the owner of the thing which is to be a security and to which otherwise a pledge arises under the Civil Code or under the pledge agreement upon registration in the Registry of Securities; upon the creation of the pledge, data on the time of its creation shall also be recorded,
- g) the date and time of registration.

h) other data stipulated by the regulations of the Chamber on the Registry of Securities.

(2) A pledge is registered in the Registry of Securities by the recording of the data stated in subsection 1; it is deleted upon the deletion of the recorded data. This also applies to future pledges and to prohibitions of pledges on things that are not registered as a security.

(3) If a pledge is already registered in the Registry of Securities, data on the following shall also be filed

- a) prohibition to establish other pledge on the security,
- b) commencement of the effectiveness of the pledge binding on the security,
- c) order of pledges, if more pledges arise on the security.

(4) If a receivable is secured by the pledge, data on the creation of the pledge shall also be filed, if the subordinate pledge, which is evidence of the pending receivable, is registered in the Registry of Securities; otherwise, only if such a receivable pledge is created by registration in the Registry of Securities.

### Section 35g

(1) Records of data under Section 35f (1) in the Registry of Securities on the basis of a pledge agreement, records of data under Section 35f (3) and changes and deletions of these data are carried out by the notary by means of remote access.

(2) The notary who drew up the pledge agreement shall carry out

- a) entry of data under Section 35f (1), except (e),
- b) entry of data on prohibition of establishment of other pledges on the security and on the order of pledges, if such a provision is contained in the pledge agreement, and
- c) entry of data on establishment of subordinate pledge, if the receivable is secured by a pledge agreement, which is evidenced by a pledge registered in the Registry of Securities or on which a pledge arises by its registration in the Registry of Securities, even if the pledge, which evidences it, is not registered in the Registry of Securities.

(3) Entry of data under Section 35f (1) or under Section 35f (3) shall be done by a notary after the conclusion of a pledge agreement without undue delay only if it is effective; otherwise, without undue delay after its coming into effect. The coming into effect of the agreement is documented by the pledgee, unless the agreement has come into effect by the expiry of a period.

(4) Any notary shall carry out

- a) entry of changes of entries and deletion of data under Section 35f (1) and (3),
- b) entry of data on the commencement of the pledge binding on the security,
- c) entry of data on prohibition of establishment of other pledge on the security and on the order of pledges, if not recorded by the notary who drew up the pledge agreement,
- d) entry of data on prohibition of establishment of a pledge on things which are recorded or may be recorded as a security in the Registry of Securities,
- e) entry of data on the creation of a subordinate pledge, if a pledge on the receivable is not created by entry in the Registry of Securities, evidenced by the pledge entered in the Registry of Securities,
- f) entry of data on the creation of a pledge, if a future pledge is recorded in the Registry of Securities.

(5) Entries of data under Section 35f (1) (e) and Section 35f (3), changes of entries and deletions are made on the basis of written request of the pledgee, or the sub-pledgee or sub-pledgor or another person if stipulated by special law. For the entry under Section 35f (3) (c) it is necessary for all creditors to whom a pledge on the security arose to request the entry. Together with the request for entry of changes and in the record and entry of data on the facts stated in Section 35f (1) (e) and in Section 35f (3) it is necessary to submit a document evidencing the change or the fact on the basis of which the entry is requested.

(6) A pledge may be deleted only if the pledge terminated. If the pledgee requests the deletion of the pledge and states in the request that the pledge terminated and the legal reason for its termination, the pledge shall be considered terminated. If the pledger requests deletion, together with the request it is

necessary to submit a public document or document confirmed by the pledgee with his/her officially verified signature, evidencing the termination of the pledge; if the pledge terminated due to the expiry of the period, the pledgor shall evidence that the duration of the pledge was limited to this period.

#### Section 35h

Records of data on the basis of decisions of a public authority giving which gave rise to the pledge and changes to such records shall be made upon written request by the public authority to the Chamber. Public authorities are required to send an application to change an enforceable decision creating the pledge or registered pledge within 30 days of the creation or change of the pledge

#### Section 35i

(1) Any notary shall issue to everyone upon their request a copy or extract from the Registry of Securities or confirmation of the fact that a certain thing is not filed therein as a security or of the fact that no prohibition on establishment of a pledge to the thing has been filed in the Registry of Securities as a security.

(2) The person whom the entry concerns does not have the right to object against the person who acts legally in trust that the data registered in the Registry of Securities does not correspond to reality.

### **List of Matrimonial Property Documents**

#### Section 35j

(1) The List of Matrimonial Property Documents contains

- a) notarial records on agreements between spouses or fiancés on matrimonial property different from the statutory regime, on agreements between spouses on changes of contractual regime and on agreements between spouses on changes of matrimonial property established by court decision (hereinafter "matrimonial property agreement"),
- b) a court decision which a court repealed or reinstated common property of spouses or narrowed its current extent or changed the matrimonial property regime based on a court decision or contractually agreed matrimonial property regime (hereinafter "court decision on matrimonial property").

(2) The List of Matrimonial Property Documents contains a register and a collection of documents.

(3) The following is recorded in the register

- a) first name, surname, date of birth and residence address of spouses or fiancés (hereinafter "spouses"),
- b) date of conclusion and effectiveness of matrimonial property agreement, designation of contractual regime under the Civil Code and the first name,

surname and registered office of the notary who drew up the agreement on matrimonial property, or

- c) date of issuance and legal force of the court decision on matrimonial property, its file mark, designation of the court which issued the decision, and information on whether the court repealed or reinstated the common property of spouses, or narrowed its current extent, or changed the matrimonial property regime,
- d) other information stipulated in the Chamber regulation on the List of Matrimonial Property Documents.

(4) An electronic counterpart of the notarial record on the agreement on matrimonial property or a counterpart of the notarial record on the agreement on matrimonial property in electronic form created by authorized conversion from document to electronic form, or a counterpart of the court decision on matrimonial property in electronic form, is filed in the collection of deeds.

### Section 35k

(1) Entry of matrimonial property agreement in the collection of deeds and entry of data stated in Section 35j (3) (a), (b) and (d) in the register (hereinafter "entry of agreement in the list") shall be carried out by the notary who drew up the agreement. The notary shall enter the agreement in the list, if so agreed in the matrimonial property agreement, otherwise on the basis of a written request of both spouses, by means of remote access, without undue delay after the coming into effect of the matrimonial property agreement or after submission of the request based on the effective agreement.

(2) If the entry of the agreement in the list cannot be carried out by the notary who drew up the matrimonial property agreement, the entry of agreement in the list shall be carried out by the Chamber on the basis of a written request of both spouses. The request must be accompanied by an electronic counterpart of the notarial record of the matrimonial property agreement or a counterpart of the notarial record of such an agreement in electronic form created on the basis of an authorized conversion from documentary form.

(3) The entry of the court decision on matrimonial property into the collection of deeds and registration of the data stated in Section 35j (3) (a), (c) and (d) into the register (hereinafter "entry of court decision in the list") shall be carried out by the Chamber on the basis of a counterpart of the court decision on matrimonial property sent by the court in electronic form. The court shall send the Chamber a counterpart of the decision without reasoning.

### Section 35l

(1) If the matrimonial property agreement or court decision on matrimonial property is registered in the List of Matrimonial Property Documents, the spouses may invoke it towards third parties, even if they were not familiarized with its content.

(2)The Chamber shall publish in a manner permitting remote access data filed in the register List of Matrimonial Property Documents under Section 35j (3) (a) to (c).

(3)Any notary may issue to anyone upon their request from the collection of deeds a copy of a matrimonial property agreement or copy of court decision on change of matrimonial property or confirmation that the matrimonial property agreement or court decision on change of matrimonial property are not filed in the List of Matrimonial Property Documents. It is necessary to state the spouses' first names, surnames and dates of birth in the request.

### Section 36

The Chamber consists of the following bodies:

- a) The Assembly,
- b) The Presiding Committee of the Chamber,
- c) The President of the Chamber,
- d) The Audit Committee of the Chamber,
- e) The Disciplinary Committee.

### Section 37

(1) The Assembly is the supreme body of the Chamber.

(2) The Assembly consists of the delegates and the presidents.

(3) The Assembly

- a) elects and removes five elected members of the Presiding Committee of the Chamber from the group of delegates,
- b) elects and removes the President of the Chamber and the Vice-president of the Chamber from the members of the Presiding Committee of the Chamber,
- c) elects and removes the members of the Audit Committee of the Chamber from the notaries,
- d) elects and removes the chairman of the Audit Committee from the elected members of the Audit Committee,
- e) elects the members of the Disciplinary Committee from the notaries,
- f) elects the chairman of the Disciplinary Committee from its elected members,
- g) hears and approves the reports on the activities of other bodies of the Chamber,
- h) approves the budget and the management of the Chamber,
- i) establishes funds of the Chamber and approves the rules for their creation and usage,
- j) determines the amount of contribution given by the notarial chambers,
- k) adopts election rules,
- l) adopts organizational rules of the Chamber and of notarial chambers,
- m) adopts office code, disciplinary code and probationary code,
- n) determines the procedure for declaration and organization of competition

pursuant to Section 8, subsection 6,

o) approves the compensation for loss of time associated with the exercise of the offices in the bodies of the Chamber,

p) may reverse or change the resolution made by the Presiding Committee of the Chamber.

q) adopts regulations on the Register of Legal Acts in the Event of Death,

r) adopts regulations on the Register of Matrimonial Property Documents,

s) adopts regulations on the List of Statements on Appointment of Trustee,

t) adopts regulations on the Registry of Securities,

u) adopts regulations on the List of Matrimonial Property Documents.

(4) Approval of the Ministry is necessary for the regulation pursuant to subsection 3, paragraph (m), (n) and (q) to (u) to become valid.

### Section 38

(1) The Presiding Committee of the Chamber is the regulatory and the executive body of the Chamber. The president of the Chamber, Vice-president of the Chamber, presidents and other elected members are the members of the Presiding Committee.

(2) The Presiding Committee

a) calls the Assembly at least once per year; it shall call the Assembly within one calendar month every time if at least one third of the members of the Assembly requests so; or if at least two notarial chambers request so; or if the Audit Committee of the Chamber requests so;

b) organizes professional training of notaries and ensures publication, educational, documentation and informational activities,

c) keeps a register of notaries, candidates and trainee notaries in the Czech Republic,

d) manages financial resources of the Chamber and its assets,

e) manages funds of the Chamber,

f) organizes notarial exams and appoints the members of the examination board,

g) executes competence of the Chamber established by the Act herein unless it is in charge of the Assembly.

### Section 39

(1) The President of the Chamber

a) represents the Chamber externally and acts on its behalf in all matters,

b) chairs the sessions of the Assembly,

c) calls the Presiding Committee of the Chamber at least once per three months; he/she calls the Presiding Committee of the Chamber within 20 days as long as one third of the members of the Presiding Committee requests so or if the Audit Committee requests so,

d) chairs the sessions of the Presiding Committee,

e) makes decisions within the competency of the Presiding Committee of the



Chamber that allow for no delay; the decision must be approved at the very next session of the Presiding Committee.

(2) The President of the Chamber is represented by the Vice-president.

#### Section 40

(1) The Audit Committee of the Chamber consists of a chairman and four other members.

(2) The membership in the Audit Committee of the Chamber is incompatible with the membership in the Presiding Committee.

(3) The Audit Committee of the Chamber

a) Checks on the observance of the resolutions issued by the Assembly and the activities of the Presiding Committee of the Chamber; for this purpose the Audit Committee of the Chamber must have an access to all documents of the Chamber,

b) at least once per year reports to the Assembly on the checks' results.

#### Section 41

(1) The Disciplinary Committee consists of a chairman and four other members. The membership in the Disciplinary Committee is incompatible with the membership in the Presiding Committee of the Chamber.

(2) Details about the work of the Disciplinary Committee shall be defined by the Disciplinary Code.

### ***SUBPART THREE*** **COMMON PROVISIONS**

#### Section 42

(1) The elections of bodies of the notarial chamber and the Chamber are done via secret ballot. Electoral term lasts for three years.

(2) The elections can proceed if an absolute majority of electors entitled to vote is present. The method of conducting the elections shall be defined by the Election Code that can also determine under which circumstances it is necessary to have a higher number of electors entitled to vote present.

(3) The results of elections are communicated to the Ministry. Notarial chambers communicate the results of elections also to the Chamber and to the chairman of a regional court.

#### Section 43

(1) The collective bodies of a notarial chamber and the Chamber can validly pass a resolution only when an absolute majority of its members is present. For a resolution to be valid, the consent of an absolute majority of members present at the meeting is necessary.

(2) Regulations referred to in Section 37, subsection 3, paragraph (l) and (m) may stipulate under which circumstances the presence or a consent of a higher number of members is required for the procedure stated in subsection 1 to be valid.

#### Section 44

(1) The positions in the offices of the bodies of notarial chamber and the Chamber are honorary. The Chamber and the notarial chambers compensate the members of their bodies for the exercise of the office with respect to the loss of their time and reimburse their cash expenses.

(2) A member of a body of a notarial chamber and the Chamber must not participate in a hearing and decision-making in matters negotiated in front of such body that relate to him/her, his/her notarial office or his/her close person.

### **PART FOUR SUPERVISION AND DISCIPLINARY PROCEEDINGS**

#### Section 45

(1) The Ministry exercises the governmental supervision over the work pursuant to Section 2.

(2) The Chamber supervises over the work of notarial chambers, over the work of notary and over the management of notarial offices.

(3) The notarial chamber supervises over the work of individual notary and over the management of notarial offices within its district.

#### Section 46

Supervision is carried out namely by checking files, documents, objects of deposit, by checking books of protests, books of applications for the issue of an extract from the Criminal Record, registers, verification books and other evidence instruments (hereinafter “evidence instruments”).

#### Section 47

The supervisory body shall point out any minor insufficiencies in a notary's work or a minor decline in his/her conduct.

#### Section 48

(1) A notary, a candidate and a trainee shall be subject to the disciplinary liability for a disciplinary offence.

(2) A disciplinary offence of a notary, a candidate or a trainee shall be  
a) a serious or repeated breach of his/her duties set out by this Act or by a special legal act or by a regulation of the Chamber, or by a resolution of a body of the notarial self-administration, or

(b) a serious or a repeated breach of the dignity of the notarial profession by the notary's conduct.

(3) Any of the following disciplinary remedies may be imposed on the notary for his/her disciplinary offence

(a) a written admonition,

(b) a fine up to one hundred times the amount of the monthly minimum wage set by a special act, or

(c) revocation of a notary.

(4) Any of the following disciplinary remedies may be imposed on the candidate for his/her disciplinary offence

(a) a written admonition,

(b) a fine up to twenty times the amount of the monthly minimum wage set by a special act, or

(c) revocation from the position of deputy in case of a candidate in the position of notary's deputy pursuant to Sections 14 or 24.

(5) Any of the following disciplinary remedies may be imposed on a trainee for his/her disciplinary offence

(a) a written admonition, or

(b) a fine up to five times the amount of the monthly minimum wage set by a special act.

(6) Once the disciplinary punishment in the form of a notary's revocation has been imposed, the revoked notary is not allowed to be appointed a notary for 5 years from the legal validity of the decision about revocation. If the disciplinary remedy of a revocation from the position of deputy was imposed, the revoked candidate is not allowed to be appointed a deputy or be appointed a notary for 5 years from the date of the revocation.

(7) Revenues gained from the fines belong to the local notarial chamber of which the notary is a member, where the candidate is registered, or the trainee is registered. Should the fine not be paid within the time limit, the Court shall execute the decision on fine upon a proposal of the Chamber pursuant to a special act.

## Section 49

(1) The three-member Disciplinary Senate, newly appointed for each case, consisting of the Senate's Chairman and 2 Associate Members of the Disciplinary Committee, shall decide in a disciplinary proceedings whether a notary, a candidate or a trainee committed a disciplinary offence, and on the imposition of a disciplinary remedy. Members of the Disciplinary Senate are determined by lot and appointed in writing by the Chairman of the Chamber's Disciplinary Committee.

(2) Upon the proposal of the Disciplinary Senate's Member, in case of a disciplinary petition filed by the Chamber President, or if the Chamber President otherwise involved in the case, the Chamber President or Vice-president of the Chamber shall revoke the Senate's Member which seriously breached his/her duties or otherwise jeopardized reliance on righteous and impartial deciding of the Disciplinary Senate. The Chamber's Disciplinary Committee Chairman shall appoint in writing without delay a new member pursuant to Subsection 1 in case of determination of a Senate's Member appointment.

(3) Disciplinary proceeding is initiated upon a proposal which is called the disciplinary petition.

(4) The entitlement to file a disciplinary petition is given to

- (a) the Minister against any notary, candidate or trainee,
- (b) the President of the Chamber against any notary, candidate or trainee,
- (c) the President against a notary with his/her office within the territory of the local notarial chamber, a candidate registered in the list of notarial candidates kept by the local notarial chamber, a trainee registered in the list of notarial trainees kept by the local notarial chamber,
- (d) the chairman of a regional court against a notary with his/her office within the territory of this regional court, a candidate registered in the list of notarial candidates kept by the local notarial chamber with its seat in the district of this regional court, a trainee registered in the list of notarial trainees kept by the local notarial chamber with its seat in the district of this regional court,
- (e) the chairman of a district court against a notary with his/her seat within the territory of this court in case of a disciplinary petition dealing with a disciplinary offence committed by a notary as the court commissioner, also against a candidate or a trainee which was at the time of committing a disciplinary offence employed by a notary entrusted the court commissioner, (hereinafter "claimant").

(5) The disciplinary petition shall be lodged with the Chamber and can be lodged within 6 months from the day the claimant found out about the disciplinary offence; however, latest within 3 years from the day of the occurrence of the disciplinary offence.

(6) The disciplinary petition must include the name, or names and surnames of the notary, the candidate or the trainee against which the petition is filed, his/her address, notary's office address, the notary's local chamber, the candidate or trainee registration chamber, description of the offence committed, the supportive evidence, and the suggested disciplinary remedy. All evidence available to the claimant shall be attached to the disciplinary action.

(7) The Chairman of the Disciplinary Committee shall inform the notary, the candidate or the trainee against which the disciplinary petition was filed, (hereinafter "disciplinary respondent"). He/she shall instruct the disciplinary respondent about his/her right to designate a notary or a solicitor as a defence lawyer, the right to express him/herself to concerning all facts he/she has been accused of, to propose evidence to be produced. The Minister shall also be informed unless he/she is the claimant.

(8) An unrepresented disciplinary respondent shall have a guardian appointed if the protection of his/her interests so require, in particular should he/she suffer from a mental disorder or disease preventing him/her from defending himself/herself. Another notary or solicitor, upon his/her consent, shall be appointed the guardian by the Disciplinary Senate.

#### Section 49a

(1) The disciplinary respondent may be defended by another notary or a solicitor.

(2) The examination of witnesses, experts or participants may be pursued only if they voluntarily attend and testify.

(3) An appointed member of the Disciplinary Senate shall produce necessary investigation, namely provide other facts and evidence if not part of the petition, provide documents or other evidence. Evidence which cannot be produced shall be provided before court upon the request of the Disciplinary Senate and at the expense of the Chamber; the court shall comply with the requested evidence unless it is forbidden by law. The court shall produce all actions and decisions necessary.

#### Section 49b

(1) The Disciplinary Senate stays the proceedings without any hearing if

- a) the disciplinary petition was filed after expiration of the time limit or withdrawn,
- b) the notary was recalled or his/her office delegation ceased, or the employment of a candidate or a trainee comes was terminated,
- c) the disciplinary liability of the disciplinary respondent expired
- d) the disciplinary offence was subject to any final ruling by court in a criminal proceedings.

(2) The Disciplinary Senate shall discontinue the proceedings if the disciplinary offence committed shows signs of a criminal offence, and shall submit the petition to a body responsible for penal proceedings.

(3) The Disciplinary Senate shall discontinue the proceedings also if the disciplinary respondent is being prosecuted for the offence committed.

(4) The Disciplinary Senate shall continue the discontinued proceedings pursuant to subsection 2 and 3 if the body responsible for penal proceedings decided the offence may be classified as a disciplinary offence.

(5) Shall the Disciplinary Senate not decide upon abatement or discontinuation of the disciplinary proceedings, the Chairman determines the date of the hearing and informs the claimant, the disciplinary respondent, and if a guardian appointed, also him/her. Shall the disciplinary respondent have a guardian appointed pursuant to Section 49 subsection 8, only the guardian is informed about the date of the oral action. If a witness needs to be heard, the Chairman of the Disciplinary Senate shall summon him/her to a hearing.

#### Section 49c

(1) If the Disciplinary Senate concludes that the accused has committed a disciplinary offence, it shall decide on his guilt and impose one of the disciplinary measures listed in Section 48, paragraphs 3 to 5.

(2) If the Disciplinary Senate concludes that the accused has not committed a disciplinary offence or a disciplinary offence cannot be proved, it shall decide to absolve the accused of the disciplinary offence.

(3) If the Disciplinary Senate refused the petition to discard the disciplinary measure or if the accused has been absolved of the disciplinary offence, the notary, candidate or trainee against whom the disciplinary proceedings have been conducted has the right to reimbursement of the costs incurred in connection with the disciplinary proceedings; the Disciplinary Senate will decide on this claim in the decision, which terminates the proceedings. If the disciplinary action was brought by the claimant referred to in Section 49 (4) (a), (d) and (e), the notary, the candidate or the trainee against whom the disciplinary proceedings were conducted shall be entitled to such compensation to the State. If the disciplinary action brought by the claimant referred to in Section 49 (4) (b), the notary, candidate or trainee against whom the disciplinary proceedings were conducted shall be entitled to such compensation from the Chamber. If the disciplinary action was brought by the claimant referred to in Section 49 (4) (c) the notary, candidate or trainee against whom the disciplinary proceedings were conducted shall be entitled to such compensation from the notarial chamber whose president was the disciplinary claimant.

(4) The costs of the disciplinary proceedings are borne by the Chamber. In the decision pursuant to paragraph 1, the Disciplinary Senate orders the accused to pay the Chamber the lump sum costs of the proceedings according to the disciplinary code.

(5) The Chamber shall reimburse witnesses expenses incurred and income provably lost. Claims must be made to the Chamber within 3 days of the hearing, otherwise they expire, and the witness must be informed of this. Reimbursement of expenses and provision of remuneration to experts and interpreters is governed by special legal regulations<sup>4c</sup>).

## Section 50

(1) For any decision in the disciplinary proceedings are decisive the facts of the case as well as the legal status at the time of the disciplinary offence; any subsequent legal regulation may be applied if this is more beneficial for the disciplinary respondent.

(2) The decision of the Disciplinary Senate will be delivered to the disciplinary respondent and disciplinary claimant. If the disciplinary respondent has in the proceedings any power of attorney or a custodian, such decision will be delivered to him instead to the disciplinary respondent.

(3) The disciplinary claimant and the disciplinary respondent may file an appeal against the decision of the Disciplinary Senate to be addressed to the Chamber

within 15 days since the date of such delivery. The appeal, if any, has no suspensive effect.

(4) Appeals shall be decided for each matter by a five-member Disciplinary Senate consisting of the chairman of the senate and 2 members named by the president of the Chamber at the recommendation of the presidium of the Chamber and 2 members determined by lot by the president of the Chamber from among the members of the presidium of the Chamber. If the Disciplinary Senate is to decide on appeal against the decision in the disciplinary proceedings made at the recommendation of the president of the Chamber or if the president of the Chamber otherwise participates in the matter, the chairman of the senate and 2 members shall be named at the recommendation of the presidium of the Chamber and 2 members shall be determined by lot from among the members of the presidium of the Chamber by the vice-president of the Chamber. The performance of the office of member of the appeals Disciplinary Senate is incompatible with the performance of the office of member of the Disciplinary Senate as well as with the previous performance of the office of member of the Disciplinary Senate against the same accused person in the same disciplinary proceedings.

(5) The details of the disciplinary proceedings are laid down by the disciplinary code.

#### Section 50a

### **Reducing the disciplinary punishment**

At the end of 5 years after the legal force of the decision to impose a disciplinary measure, for the purposes of disciplinary liability, the notary, candidate or trainee is regarded as having not been prosecuted for a disciplinary offence. If the execution of the disciplinary measure has not yet ended, the disciplinary punishment is reduced by the execution of a disciplinary measure.

#### Section 51

If a notary, whose health condition does not permanently allow him/her to duly perform notarial work, does not seek revocation, a notarial chamber in which he/she is a member of, or the Minister, proposes to the Disciplinary Committee to make a decision stating that his/her health condition does not permanently allow him/her to duly perform notarial work. Provisions of Sections 49 and 50, subsection 3, shall be applied reasonably.

## **PART FIVE GENERAL PROVISIONS ON NOTARIAL WORK AND ON PROVISIONING OF LEGAL AID**

#### Section 52

During his/her notarial work and in the course of providing legal aid, a notary is bound by the Acts of Parliament and by other generally binding legal regulations. When providing legal aid, he/she is also bound by the client's instructions.

### Section 53

(1) A notary may refuse to carry out requested acts if

- a) such act is inconsistent with the law or with other generally binding legal regulations and this law or special law does not stipulate otherwise,
- b) it concerns an act related to notarial work and the notary, his/her employee or his/her close person are involved in the matter,
- c) he/she has already provided legal aid to another person whose interests are in conflict with interests of the person requesting legal aid in the same matter, or
- d) if so stipulated by this law.

(2) A notary may refuse to perform requested act if the applicant failed to pay an adequate down payment for the notary's fee without a serious reason.

(3) Except of the events stated in subsections 1 and 2 herein, a notary must not refuse to perform notarial act unless otherwise stated by a special act.

### Section 54

(1) A notary may withdraw from the contract to perform an act within the scope of notarial work or from the contract to provide legal aid (hereinafter the "contract"), if

- a) confidentiality between him/her and an applicant or a client has been breached,
- b) an applicant or a client fails to provide synergy,
- c) an applicant or a client fails to pay an adequate down payment for the notary's fee without a serious reason.

(2) A notary shall withdraw from the contract any time he/she consequently comes across the facts stated in Section 53, subs.1.

(3) A notary is obliged to perform all urgent acts for a period of 15 days from the day he/she notified an applicant or a client about the withdrawal from the contract unless an applicant or a client has made other arrangements.

### Section 55

(1) If a notary refused to carry out an act pursuant to Section 53 or if a notary withdrew from the contract pursuant to Section 54, he/she shall make a record in the file to give the reasons for the refusal or for the withdrawal.

(2) If an applicant or a client requests so, a notary shall notify him/her in writing of the reasons pursuant to subsection 1.

(3) An applicant or a client may lodge a complaint against the procedure pursuant to Sections 53 or 54. The complaint shall be reviewed by a notarial chamber.



## Section 56

(1) A notary is obliged to keep confidential all matters that came to his/her knowledge in connection with his/her notarial work pursuant to Section 2 and with other work pursuant to Section 3, subs. 1 and 2, which can concern justified interests of:

- a) a party to a legal act about which a notarial record has been drawn,
- b) a person whose declaration or decision has been certified,
- c) a person whose signature has been legalized,
- d) a person at whose request a legally significant matter has been certified,
- e) a client in case of other work pursuant to Section 3, or legal successors of such persons (hereinafter "duty of confidentiality").

(2) A notary can be released from the duty of confidentiality only by the persons stated in subsection 1.

(3) The duty of confidentiality also applies to a notary who has been removed from office.

(4) A notary cannot invoke the duty of confidentiality during disciplinary proceedings as well as towards a claimant of a disciplinary proposal during the preparation of a disciplinary proposal. A notary is not bound by the duty of confidentiality to the extent necessary for proceedings held by the court or other body if the subject matter of the proceeding is a dispute between him/her and a person who may release a notary from the duty of confidentiality, or if it concerns an appeal proceeding against a decision issued by the Disciplinary Committee, namely to the extent necessary for protection of his/her rights.

(5) Duty of confidentiality does not affect a legally imposed duty to foil an attempt to commit a criminal offence and duties of the notary as a tax subject stipulated by special regulations on tax and charges administration.

(6) Observance of duties pursuant to the regulation of certain provisions against legalization of revenues from criminal activities and terrorism financing or a regulation governing the application of international sanctions is not considered breach of the duty of confidentiality. Providing information to the tax author in the scope of fulfilling of obligations laid down by the Tax Code to the notary as obliged person pursuant to the Act on selected measures against legitimisation of proceeds of crime and financing of terrorism is not considered breach of the duty of confidentiality.

(7) The duty of confidentiality also applies similarly to employees of a notary and employees of a notarial chamber and the Chamber; it also applies following the termination of their employment; it does not apply to a notary and his/her employees in their mutual relation.

## Section 57

(1) Unless a special Act states otherwise, a notary is liable to an applicant, a client and other party for harm caused in connection with the performance of work of notary. A notary is also liable for harm incurred to such persons if caused in connection with the performance of work of notary by his/her employee; it does not affect any prospective liability pursuant to industrial regulations.

(2) A notary may be released from the liability under subsection 1 if he/she proves that he/she could not prevent the harm in any way even if he/she made every effort which could have been requested from him/her.

(3) It does not affect any liability of the state for harm under a special regulation 4<sup>d</sup>).

#### Section 58

Notarial documents are drawn in Czech language. If a notarial document, except of documents of attestation, is being prepared for a person who does not speak the language in which the document is being prepared, the procedure pursuant to Section 69 shall be followed.

#### Section 59

(1) When drawing notarial documents, no abbreviations that are not generally used are allowed.

(2) The date of drawing a notarial document, the amount of monetary payments and the duration of time limits and co-ownership shares are also written in full words. Numerical notation of pages of a notarial document are written in full words only.

(3) Parties, witnesses, trustees and interpreters put their signature to the end of a notarial document before the notary's signature to which he/she affixes his/her official notarial seal.

#### Section 60

Should any errors in writing, calculations or other obvious inaccuracies occur in a notarial document, correction shall be made by an annex below the concluded text of a notarial document. In the annex the inaccuracy shall be clearly identified, the correct wording shall be attached along with the date of the correction and the annex shall be signed by persons stated in Section 59, subs. 3. A notary shall affix his/her official notarial seal to his/her signature.

#### Section 61

It must be obvious from the document prepared by a notary within the performance of legal aid which notary prepared it.

## **PART SIX**

## **SPECIAL PROVISIONS REGARDING NOTARIAL WORK**

### ***SUBPART ONE*** **PREPARATION OF NOTARIAL RECORDS ON LEGAL ACTS**

#### Section 62

(1) Notary prepares notarial records on legal acts.

(2) A notary who has drawn the notarial record or other notary with registered office within the territory of the Czech Republic may continue in the notarial record. Continuation of a notarial record is considered an integral part of the notarial record.

#### Section 63

(1) A notarial record must contain:

- a) a place, a day, a month and a year of the legal act,
- b) the name and surname of the notary and his/her registered office,
- c) the name, surname, residence address and date of birth of participants and their representatives, witnesses, fiduciaries and interpreters, and if a participant or representative of a legal entity, its name, registered office and identification number,
- d) the participants' declaration on their capacity to legally act independently in the scope of the legal actions constituting the subject matter of the notarial record,
- e) information on the fact that the identity of the participants and their representatives, witnesses, fiduciaries and interpreters was evidenced to the notary or information on the fact that the notary knows them personally, and if the participants or their representative is a legal entity, information on the fact that their existence and the identity of the legal entity's representative were evidenced to the notary,
- f) the contents of the legal act,
- g) a statement of approval of the notarial record after being read by the participants,
- h) the signatures of the participants or their representatives, witnesses, fiduciaries and interpreters,
- i) an official stamp of the notary and his/her signature.
- j) other requirements if stipulated by this act

(2) A participant is someone who legal acts himself in the form of a notarial record or someone on behalf of whom a representative acts.

#### Section 64

(1) Unless the notary knows the participants, witnesses to the act, fiduciaries or interpreters personally, their identity must be evidenced by valid identity cards or confirmed by two witnesses of identity; if the notary does not know these

witnesses personally, their identity must be evidenced by valid identity card. A legal entity shall evidence its existence to the notary by means of a statement from the public register in which it is entered; if it is not registered, it shall evidence its existence in a different way from which it can be judged that it exists, and also by means of a declaration of its existence by the person who legally represents it.

(2) If identity is evidenced by an identity witness, the notarial record must contain his/her declaration that he/she knows that participant or their representative, witness, fiduciary and interpreter personally.

(3) If identity is not evidenced to the notary's satisfaction, and in the case of a legal entity – existence, the notary shall refuse to draw up the notarial record on the legal act.

### Section 65

(1) If an individual participating in a legal act does not know how or lacks the capacity to read or write, a notary may draw a notarial record with two witnesses to the act present. These witnesses must be present during the participant's manifestation of the contents of the notarial record, during the reading of the notarial record and during its approval by the participant in whose interest they have been present.

(2) The procedure stipulated in subsection 1 does not apply if the participant concerned is able to acquaint himself/herself with the contents of the legal act by means of devices or special aids and is able to sign manually.

### Section 66

Individuals lacking the full capacity to enter into legal acts or those lacking legal competence, persons who are blind, deaf or mute and who lack the capacity to read or write are disqualified from being witnesses of identity and witnesses to acts. They also cannot be persons close to the participants and persons who have an interest in the legal act and its content or who are otherwise affected by it, as well as employees of the notary who is drawing up the notarial record.

### Section 67

(1) If a participant is deaf or mute but is able to read and write, he/she must read the notarial record and add a note below with his own hand stating that he/she has read the record and that he/she approves it.

(2) If a participant is unable to read or write, a fiduciary must be appointed along with the witnesses to the act who is able to communicate with the participant. Through the fiduciary the notary ascertains whether or not the participant approves the record.

(3) The procedure stipulated in subsection 2 is not necessary if the participant concerned is able to acquaint himself/herself with the contents of the legal act by means of devices or special aids and is able to sign manually.

(4) Section 66 applies similarly to the capacity of the fiduciary; however, a person in close relationship to the participant may also be a fiduciary.

#### Section 68

(1) Should the presence of witnesses to the act be required while drawing a notarial record, a clause containing a declaration made by the witnesses as to their presence throughout the manifestation of the participant's will concerning the contents of the record, during the reading of the notarial record and during its approval by the participant must be added at the conclusion of the record.

(2) Similarly, the conclusion of a notarial record must contain a fiduciary's declaration as to having communicated the entire contents of the notarial record to a deaf or mute participant who is unable to read or write, and confirmation of the participant's approval of the record.

(3) If a participant has been acquainted with the contents of a legal act by means of devices or special aids, such circumstances must be stated in the notarial record.

(4) Introduction of the notarial record must include the reason for the presence of the witnesses to the act eventually of the fiduciary.

#### Section 69

(1) If a participant or a witness to the act is not familiar with the language in which the notarial record is being drawn, it is necessary to have an interpreter present. However, a person in close relationship to the participants or a person involved in the matter is disqualified from being an interpreter.

(2) If a notary or his/her employee knows the language of a participant or a witness, the presence of an interpreter may be waived.

(3) At the conclusion of the notarial record, a clause containing a declaration must be added stating that the contents of the record has been interpreted to the participant and that the participant expressed his/her approval. If an interpreter was present to the act he must sign the notarial record along with his/her official stamp.

### **Notarial record for entry in the public list or public register**

#### Section 70

If the notarial record of a legal act is the basis for the registration of rights or facts entered in the public list, the change of such registration or its deletion (hereinafter "entry in the public list") or the registration of rights or facts entered in the public register, its deletion (hereinafter "entry in the public register") also contains a statement by a notary about the prerequisites for drawing up a notarial record.

#### Section 70a

(1) In the statement on fulfilment of requisites for drawing up a notarial record under Section 70 the notary shall state,

- a) that the legal act complies with legal regulations and with other documents, as the case may be, where compliance of the legal act is required by special legal regulation,
- b) that the legal act fulfils the terms and conditions laid down by special legal regulation for entry in the public list or entry in the public register, or
- c) that formalities as stipulated for the legal act or for entry in the public list or entry in the public register under a special legal regulation were fulfilled or, as the case may be, that the fulfilment of formalities was evidenced to the notary.

(2) If the requirements for drawing up a notarial record intended as the basis for entry in a public list are not fulfilled, the notary shall notify the participants of this and refuse to draw up the notarial record.

(3) If the requirements for drawing up a notarial record intended as the basis for entry in a public register are not fulfilled, the notary shall notify the participants of this and shall draw up the notarial record if so requested by the participants. In the statement under Section 70 he/she shall state that the drawing up of the notarial record was requested despite this notification and shall also state

- a) the nature of the noncompliance with legal regulations or other documents with which compliance of the legal act is required by special legal regulation, or
- b) what terms, conditions and/or formalities stipulated by special legal regulation pro for entry in a public register were not fulfilled.

(4) If other documents must be submitted in order to fulfil the requirements for drawing up a notarial record on legal acts as a basis for entry in a public list or public register and these documents were not submitted to the notary, the notary shall refuse to draw up the notarial record.

## Section 71

If the notarial record of a legal act is the basis for the registration of rights or facts entered in the Registry of Securities, the change of such registration or its deletion, Section 70 and Section 70a (1), (2) and (4) shall apply accordingly to such a notarial record.

### **Notarial records with consent to enforceability**

## Section 71a

(1) Notarial record on legal act by which a participant shall undertake to pay a debt of a second participant arising from the emerging legal relationship based on obligation may contain a consent of the obliged participant to impose and execute

the decision (execution) under such record and to use such a notarial record as a power of execution unless he/she meets his/her obligation duly and on time. The content of the legal act on which such a notarial record has been drawn up must also include the amount of the debt and the deadline for its payment.

(2) A notarial record on legal act which is recognition of a monetary debt may contain a consent of the obliged participant to impose and execute the decision (execution) under such record and to use such a notarial record as a power of execution unless he/she meets his/her obligation duly and on time. The content of the legal act on which such a notarial record has been drawn up must, besides the amount of the debt, the legal reason of the debt and the identity of the creditor, also indicate the deadline for paying the debt and the obligation of the participant to pay the debt by the deadline.

### Section 71b

(1) At a request, a notary draws a notarial record of agreement by which a participant shall undertake to pay a debt or other claim of a second participant arising from a legal relationship based on obligation, in which he/she gives consent to impose and execute the decision (execution) under such record and to use such a notarial record as a power of execution unless he/she meets his/her obligation duly and on time.

(2) The agreement between the parties must contain

- a) identification of the person who undertook to pay the debt or other claim (obliged person),
- b) identification of the person whose debt or other claim is to be paid (entitled person),
- c) the facts on which the debt or other claim is based,
- d) subject matter of the fulfilment,
- e) fulfilment date,
- f) declaration of the obliged person regarding the permission to execute the record.

(3) The agreement between the parties may also contain terms and conditions or time clauses and/or mutual obligations of the entitled person which must be fulfilled before the provision of the subject matter of the fulfilment.

### Section 71c

Under the terms and conditions laid down directly by the applicable regulations of the European Union, a notarial record on legal acts under Sections 71a and 71b confirms, according to the Code of Civil Procedure, as a European enforcement title.

## ***SUBPART TWO***

### **CERTIFYING OF LEGALLY SIGNIFICANT FACTS AND DECLARATIONS**

## Section 72

(1) A notary certifies on request facts and declarations that might serve as a basis for exercise of or as a proof of rights or facts and declarations which could cause legal consequences. A notary carries out in particular the following certifications:

- a) vidimus
- b) legalization
- c) on submission of documents,
- d) regarding protests of bills and of other documents which need to be submitted to exercise a right,
- e) of decisions of bodies of legal entities and the course of general meetings and meetings of other bodies of legal entities (hereinafter "general meeting")
- f) that somebody is alive,
- g) about other factual events and state of objects,
- h) about declaration,
- i) about performance of acts and fulfilment of formalities, pursuant to the regulation Council of the European Communities on the Statute for a European Company and pursuant to the Regulation of the Council of the European Communities on the Statute for a European Cooperative Society and the laws issued to implement them.<sup>4f)</sup>
- j) outputs from the public administration information system,
- k) fulfilment of the statutory requirements by a Czech person involved in the cross-border transformation of a company or cooperative and compliance with the statutory requirements for registration of cross-border transformations in the Commercial Register,
- l) authorised documents conversion.

(2) A notary shall carry out certification under subsection 1, paragraph (a) to (c) on the prescribed certification document; he/she shall prepare it on the document submitted or draw it up in a separate document, which he/she shall attach to the submitted document.

(3) The facts stated in subsection 1, paragraph (d) and (i) through (l) shall be certified by the notary in a form stipulated by special legal regulations. 3a) 4a) 5)

(4) A notary shall draw a notarial record on certification of other facts and declarations not stated in subsections 2 and 3 for which the provisions of Subpart One of this Part apply accordingly, unless this act stipulates otherwise.

(5) Verification documents are verification clauses which are carried out pursuant to this Act on Vidimus and Legalization and the certification clause carried out under this Act on Certification and Submission of Documents, as well as other clauses on the certification of legally relevant facts drawn up by a notary under special laws (hereinafter "other clauses drawn up by a notary"). Other clauses drawn up by a notary are public documents if they meet the requirements laid down for them by a special law, even if the special act does not declare them a public document.



## Section 73

### **Verification of compliance between a counterpart or a copy and a document**

(1) Vidimus shall be carried out by a certification clause immediately after the notary assessed the compliance between the counterpart and the original document. A certification clause contains:

- a) a statement certifying that the counterpart complies exactly word by word with the original document,
- b) data on the quantity of sheets or folios the original document consists of, and quantity of sheets or folios its counterpart consists of,
- c) information that the counterpart is partial if it is not complete,
- d) place and date of execution of the certification clause; provision of Section 59, subsection 2, first sentence, shall not be applied,
- e) official notarial stamp and signature of the verifier.

(2) Notary shall refuse to carry out the vidimus

- a) if the original document from which the counterpart is to be made is a document which uniqueness cannot be replaced by any verified copy, such as a personal identification card, military identification card, passport or other identification card, a bill, a check or any other bond, savings book, geometrical plan, drawings and technical sketches,
- b) if the verifier is not familiar with the language of the original document from which the counterpart is being made and if there is no translation done by official interpreter into Czech language; that does not apply if a counterpart of such document is made by a copy machine in front of the verifier.
- c) if there are any changes, amendments, insertions or strokes that might jeopardize the reliability of the document,
- d) if the copy does not comply literally with the original document.

The provision of Section 53 is not affected by the provision herein.

(3) Vidimus does not confirm correctness and veracity of the facts stated in the document and their compliance with legal regulations. The notary is not liable for the contents of the document.

## Section 74

### **Verification of authenticity of a signature**

(1) Through legalization the notary verifies that the individual has signed a document by his/her own hand in the presence of a notary, or that a signature already present in a document has been recognized by that individual in the presence of a notary as his/her own signature. Identity check of an individual concerned is carried out pursuant to Section 64 (1) and (3) accordingly.

(2) Legalization is carried out via a certification clause immediately after the document has been signed in the presence of a notary or immediately after the

signature already present in a document has been recognized as the individual's concerned; the certification clause contains:

- a) current number in the verification book,
- b) name, surname, residence address or place of residence and the applicant's date of birth,
- c) information on the fact that the applicant's identity was proven,
- d) a statement that the individual concerned has signed the document by his/her own hand in the presence of a notary or that the individual concerned has recognized the signature in the document as his/her own,
- e) place and date of execution of the certification clause; provision of Section 59, subsection 2, first sentence, shall not be applied,
- f) signature of the verifier and official notary's stamp.

(3) Execution of the legalization does not hold the notary responsible for the contents of the document.

(4) If the notary is not familiar with the language of the document, he/she invites the applicant to submit a translation of the document made by an official interpreter. Should the applicant fail to do so, the notary refuses to carry out the act.

#### Section 75

### **Certification of Submission of a Document**

Certification that a document has been submitted to a notary and when it happened shall be certified by the notary in the submitted document in the form of a certification clause attached therein containing the day, month and year, eventually an hour of the submission of the document to the notary.

#### Section 76

### **Protests of Bills and Other Documents**

Execution of protest documents is governed by provisions of a special regulation. <sup>5)</sup>

#### Section 77

### **Certification of the Course of General Meetings**

(1) Notary shall certify the course of general meetings in a notarial record in which he states the place where and time when the general meeting was held, notes adopted resolutions and any other information arising from the course of the general meeting that is important for the assessment of due progress of the meeting.

(2) Notary may invite the chairman of the general meeting and another two participants at most to sign the notarial record. Identity of the participants of the general meeting needn't be ascertained.

#### Section 78

### **Certification that Somebody is Alive**

Certification that somebody is alive may be executed by a notary only if the person concerned is personally known to the notary or if his/her identity has been ascertained by the method referred to in Section 64. Notarial record of certification must also contain:

- a) a statement that the notary has seen the individual concerned in person,
- b) day, month, year and hour of the encounter.

#### Section 79

### **Certification of Other Factual Events**

(1) Notary also certifies other factual events, such as the course of a lottery or submission of movables provided that legal consequences may be associated therein and that such a factual event has happened in a notary's presence.

(2) Notary may also certify factual events and state of an object, e.g. payment of debt, condition of immovables, provided that they may serve as evidence to prove claims in court or other State body proceedings and provided that the factual event has happened in the presence of notary, or if the notary has ascertained himself of the state of the object.

(3) Notary prepares a notarial record of the certification that must also contain:

- a) place and time of the event or of the ascertainment of the state of the object,
- b) description of the event or of the state of the object.

#### Section 80

### **Certification of Declaration**

(1) Notary certifies declaration of individuals provided that legal consequences should be associated with it.

(2) Notary must state in the notarial record if the declarant requests to inform another individual about the declaration. The notary then makes the other individual acquainted with the notarial record and states this fact in the continuation of the notarial record. Response of the other individual shall be stated in the notarial record only if the individual gives his/her consent and is willing to sign the notarial record.

(3) Should the notary fail to make the other individual acquainted with the notarial record in person pursuant to subsection 2, a copy of the notarial record shall be sent to the individual concerned provided that the declarant requested to do so.

### **Notarial record on decision made by a legal entity's body**

#### Section 80a

(1) Notary draws, on request, a notarial record on the decision made by the legal entity's body if so requested by a special legal regulation or if the decision

concerns facts filed in the public register, even though it is not requested by the special legal regulation to do so.

(2) Notary is obliged to certify the existence of legal acts and formalities a legal entity or its body is obliged to carry out, and to which fulfilment the notary has been present by means of a notarial record on the decision of the legal entity's body, including his/her statement on compliance with legal regulations. At the same time, the notary is obliged to certify whether the decision made by the legal entity's body that is subject to notarial record has been adopted or not. He/she also must add his/her statement on whether or not the contents of the decision, or if not adopted, whether the content of the draft decision is in compliance with legal regulations and foundation deeds <sup>5a)</sup> of the legal entity concerned.

### Section 80b

(1) Notarial record on decision made by a legal entity's body must contain the following data:

- a) name and surname of the notary and his/her registered office,
- b) place, day and year of execution of the notarial record,
- c) trade name or name, registered office, identification number of legal entity and indication of the body of legal entity whose decision is subject to the notarial record,
- d) specification of the method of verification of existence of the legal entity; its competence and capacity of its body to adopt decisions,
- e) place, day and year in which the legal entity's decision has been made,
- f) name, surname, residence address, date of birth of the chairman, witnesses, fiduciaries and interpreters,
- g) declaration by the chair person on the capacity of the legal entity's body to adopt decisions, eventually protests raised against the declaration, or protests against the execution of voting rights by a person present in the legal entity's body meeting and protest raised by a person whose participation in the meeting has been excluded or whose voting right execution has not been allowed, with specification of the name, surname and residence address of the protesting person along with the name of the person on whose behalf the protest has been raised and the same data with regard to the person against whom the protest has been raised,
- h) method of verification of identity of persons referred to in paragraphs (f) and (g),
- i) contents of the body of the legal entity's decision, and if not adopted, the content of the draft decision of the legal entity's body,
- j) information on the results of voting over the decision made by the legal entity's body along with the decisive number of votes and the method of how the voting results and the decisive number of votes have been ascertained,
- k) notary's declaration containing information pursuant to Section 80a, subsection 2, eventually a declaration on failure to fulfil these preconditions and that the notary has been requested to draw the notarial record in spite of that,
- l) a note that the chairperson has read and then approved the notarial record, eventually that he/she has not approved it, the reasons for its refusal, or a note that

the chairperson refused to give reasons,

- m) signature of the chairperson, or a note that the chairperson refused to sign the notarial record along with the reasons for his/her refusal, or a note that the chairperson did not communicate the reasons to the notary,
- n) an official notarial seal and his/her signature,
- o) other data if so stipulated by a special legal regulation.

(2) If there are more decisions to be adopted during one meeting held by a legal entity's body that are subject to notarial record, a notary draws one notarial record on all these decisions, unless the nature of the adopted decisions rules out such procedure or unless an applicant requests to have a separate notarial record prepared for each one of the decisions or for several of them.

### Section 80c

(1) Legal entity is obliged to submit to a notary the following items no later than 5 business days before the date of the legal entity's meeting

- a) updated extract of the legal entity's incorporation in the Commercial Registry; if the legal entity is not incorporated in the Commercial Registry, then another document shall be submitted that proves the official existence of the legal entity,
- b) Memorandum of Association in full wording 5a) (hereinafter "foundation deeds"),
- c) a document on changes made in the bodies of the legal entity provided that such changes occurred and were not yet registered in the Commercial Registry,
- d) a document proving authorization to act on behalf of the legal entity, which is a partner or a member of the legal entity whose body adopts the decision provided that it is a body, on whose decision a partner or member participates,
- e) a copy of the invitation to the meeting of the legal entity's body or a copy of the notification about the meeting if so requested by a special legal regulation, and a receipt of their distribution or publishing,
- f) proposals of the decisions to be adopted unless those are proposals, which legally authorized persons may apply directly at the meeting of a legal entity.

(2) In case of a decision by which a legal entity's body confirms fulfilment of legally stipulated conditions, written documents about the complete fulfilment of the conditions must be submitted to a notary no later than on the day of the meeting at which the decision subject to notarial record is to be adopted (e.g. subscribers' deed and a bank statement). In the notarial record, a notary states which documents have been submitted to him/her, if their essentials are prescribed, fulfilment of these essentials and if from these documents fulfilment of the conditions stipulated by the law results.

(3) The chairperson shall

- a) lead the meeting of the legal entity in such a way that enables a notarial record to be made by the requested method,
- b) should the chairperson refuse to approve or sign the notarial record, he/she must give reasons for his/her disapproval of the notarial record on the decision of a legal entity, and/or reasons for which he/she refused to sign the notarial record.

## Section 80d

(1) A notary may refuse to prepare a notarial record on a decision made by a legal entity's body,

- a) if the legal entity fails to submit the documents in accordance with Section 80c, subsection 1 and 2,
- b) if the chairperson, despite of the notary's notice, leads the meeting of the legal entity's body in a way that disables the making of the notarial record on the decision.

(2) Should a notary refuse to draw a notarial record on a decision made by a legal entity's body for reasons stated in subsection 1, the provision of Section 55, subsection 1 and 3 applies. The reasons of his/her refusal shall be communicated in writing to the applicant without any request to do so from the applicant's part.

## Section 80e

(1) Should a notary ascertain during the meeting of the legal entity's body that adopts the decision subject to notarial record that legally requested prerequisites or those requested by the foundation deeds for adoption of the decision have not been met, he/she must notify the chairperson of this fact and state it in the notarial record. The same applies if the contents of the proposed or adopted decision are in conflict with legal regulations or with foundation deeds.

(2) If no voting on the decision of the legal entity's body takes place due to the notary's notice as stipulated in subsection 1 herein, the notary draws a notarial record with essentials pursuant to Section 80b, paragraph a), b), c), d), f), l), m) and n), in which the notary further states declaration made by the chairperson pursuant to Section 80b, paragraph g), a note on the chairperson's identity check, the contents of the notary's notice and a statement that, based on the notice, no voting on the decision of the legal entity's body took place.

## Section 80f

Sections 64 through 69 apply appropriately.

## Section 80g

(1) A notary shall draw up a notarial record on a decision of the constituent bodies of founding legal entities if so stipulated by a special legal act.

(2) When drawing up a notarial record pursuant to subsection 1, Section 80a up to Section 80e shall be used as appropriate. Sections 64 through 69 shall be used as appropriate.

## **Certificate for entry in the public register**

## Section 80h

(1) If any of the requirements for entry in the public register is to be fulfilled only after the decision of a legal entity's body which has been drawn up by a notarial record pursuant to Section 80b or after a notarial record has been drawn up in accordance with Sections 70 and 71, the notary who drew up the notarial record, upon request, shall certify that the requirements for entry in the public register are met if such a certificate for entry in the public register is required by a special legal regulation.

(2) A notary shall draw up a notarial record on certification under subsection 1 on the basis of a document fulfilling the requirements for a documentary record. Documents are submitted to the notary by the applicant. If such documents are not submitted to the notary or if the requirements for registration are not met, the notary shall refuse to draw up the notarial record on certification under subsection 1.

(3) In the notarial record on certification under subsection 1, the notary shall certify which requirements were fulfilled for registration and on the basis of which documents submitted to him/her the certification was carried out.

### ***SUBPART THREE*** **NOTARIAL CUSTODY**

## Section 81

- (1) Notaries accept into their custody
- a) documents on the legal acts of a testator in the event of death stated in Section 35b (1), if not in the form of a notarial record (hereinafter "documents on the legal acts of a testator") and other documents,
  - b) money, if so stipulated by special law,
  - c) money and documents for the purpose of their issuance to other persons

(2) Notarial custody of money and documents accepted for the purpose of their issuance to other persons may be secured by debt.

(3) A notary is not permitted to hand over documents or money from notarial custody to another notary into notarial custody or to the custody of another depositary. This is without prejudice to Sections 103 and 104 on the procedure for taking over a vacated and revoked notary office.

(4) The provisions of the special act on custody shall apply accordingly to notarial custody, unless this act stipulates otherwise. The provisions of the special act on custody of securities shall not apply. Notarial custody of securities does not have the effects stipulated for the custody of securities by special law.

### **Notarial custody of documents**

## Section 82

(1) A notary shall draw up a report on the notarial custody of documents with the participation of the applicant, which must contain

- a) place and date of takeover of documents,
- b) first name, surname, date of birth and residence address of the applicant and if the applicant is a legal entity, its name, registered office and identification number as well as the first name, surname, date of birth and residence address of its representative,
- c) information on the type of document concerned,
- d) information on the fact that the document was taken over by the notary and accepted into notarial custody,
- e) information on the fact that identity was evidenced to the notary or the existence applicant or its representative, or instead of information on proof of identity, information on the fact that the notary knows the applicant or its representative personally,
- f) signature of the applicant or its representative, imprint of official stamp of the notary and his/her signature.

If a document is accepted into notarial custody for a definite period of time, the report shall also contain the period of time of the notarial custody. The notary shall also issue a copy of the report to the applicant or its representative.

(2) If a document with a request for acceptance into notarial custody is delivered via a postal services operator and the document itself or the application contains the information required to accept documents into notarial custody and the notary draws up a report under subsection 1 without the applicant's participation and sends the applicant another copy of the report. If the application does not contain the required information, the notary shall ask the applicant to provide the information by the stipulated deadline, with a notice that if it fails to do so, the document shall not be accepted into notarial custody. Upon the futile expiry of the deadline, the notary shall send the document back to the applicant by means of the postal services operator, unless a different method of delivering documents is agreed upon.

### Section 83

(1) The report on acceptance of documents on the legal acts of a testator into notarial custody must, in addition to the requirements stated in Section 82 (1), contain

- a) first name and surname, or former surname of the testator, his/her residence address and date of birth,
- b) information on the instruction on the formal and content requirements of the legal acts of the testator whom the document concerns, which is accepted into notarial custody, and information on instruction of the fact that the document will be filed in the Register of Legal Acts in the Event of Death.

(2) If a representative of the testator submits a document on the legal acts of the testator into notarial custody and the notary issues another copy of the report to the representative and sends another copy of the report to the testator.



(3) If the document on the legal acts of the testator is delivered to the notary by means of a postal services operator with a request to accept it into notarial custody or if it is delivered by means of a postal services operator without a request, the notary shall proceed pursuant to Section 82 (2).

#### Section 84

(1) A notary shall issue a document from notarial custody only to the person at whose request the document was accepted into notarial custody, and in the event of a documents on the legal acts of a testator, only to its testator, unless the document is accepted into notarial custody for the purpose of its issuance to another person. The notary shall also issue the document to someone who demonstrates authorization under a special power of attorney to take over documents from notarial custody; the signature of the principal must be officially verified. The power of attorney constitutes an annex to the report on issuance of documents.

(2) A notary shall draw up a report on the issuance of documents from notarial custody, which must contain

- a) place and date of issuance of documents,
- b) first name, surname and residence address of the person to whom the document is issued (hereinafter the "documents recipient") and, as the case may be, his/her representative, and information on the fact that his/her identity was evidenced,
- c) information on the type of document, whether it is a documented entered in the Register of Legal Acts in the Event of Death, instruction on the fact that the information on the issuance of the document and the testator shall be deleted from this register,
- d) information on the fact that the document was taken over by the documents recipient or his/her representative,
- e) information on the fact that identity or, as the case may be, the existence of the documents recipient or its representative was proven to the notary, or instead of information on evidence of identity, information on the fact that the notary knows the documents recipient or his/her representative personally,
- f) signature of the documents recipient or, as the case may be, his/her representative, imprint of official stamp of the notary and his/her signature.

(3) A notary shall issue to the documents recipient or his/her representative counterpart of the report. If the document on the legal acts of the testator is issued by the representative of the testator, the notary shall also send the report to the testator.

(4) If the notary issues a document filed in the Register of Legal Acts in the Event of Death, he/she shall delete data about this document and about the testator; no information will be transferred to the file of information on ended matters in this register.

#### Section 85

(1) The person who handed over the document to the notary into notarial custody and the person to whom the notary issues the document from notarial custody or their representative is obliged to evidence their identity to the notary by means of an official identification document, unless the notary knows them personally. In the case of a legal entity, its representative is obliged in addition to his/her own identity to evidence the existence of the legal entity under Section 64 (1). The representative of the legal entity shall proceed accordingly if it is a legal entity.

(2) If identity or existence under subsection 1 is not evidenced to the notary, the notary shall refuse to accept the document into notarial custody or shall refuse to release it from notarial custody.

(3) If a notary accepts a document into notarial custody under Section 82 (2), the provisions of subsection 1 shall not apply to the acceptance of documents into notarial custody.

## **Notarial custody of money**

### Section 86

(1) Money may only be handed over into notarial custody on the basis of an application containing the following data:

a) name, registered office, and identification number and name, surname, birth date and residence address of its representative; or name, surname, birth number or birth date and residence address of the natural person (hereinafter "identification data") who

shall hand over the money into notarial custody (hereinafter "depositor") and of a person to whom the money shall be released from notarial custody (hereinafter "recipient"),

b) the amount of money and currency in which the money shall be deposited into notarial custody,

c) designation of account at a bank or branch of a foreign bank (hereinafter "bank") or savings and credit cooperative to which the notary shall issue the money to the depositor if notarial custody does not occur or if a reason arises for the issuance of the money from notarial custody to the depositor (hereinafter "account for issuance of money to the depositor") and identification data of the person who is its owner, if not the depositor,

d) description of the debt to be secured in case that the money shall be deposited into notarial custody in order to secure a debt,

e) designation of lease relationship and identification data of the person who is the lessor if the money is to be placed in notarial custody under special law by the lessee as owed rent (hereinafter "notarial custody of rent").

(2) If a notary has not been requested to accept the money into notarial custody in writing or electronically, he/she shall draw a record about the application regarding the acceptance of the money into notarial custody in the presence of the applicant in two counterparts and one counterpart shall give to the applicant.

(3) If not reason is given to refuse the requested acceptance of the money into notarial custody, the notary shall notify the applicant of the special account at the bank designated as "notarial custody", the owner of which is the notary (hereinafter "special account"), or shall state this designation in the record of the request.

(4) Money handover means its deposit to a special account or its transfer to a special account by a non-cash transfer. There is no other method as to how to hand the money over to a notary.

## Section 87

(1) The notary shall draw up a report of the notarial custody of money. The notary shall accept money deposited or transferred into the special account into notarial custody by drawing up a report, unless this law stipulates otherwise.

(2) The notary may draw up a report on notarial custody of money even if the money has yet to be deposited or transferred into the special account. In such a case, the report must state the deadline or terms and conditions for crediting the money on the special account. If the deadline is met or the terms and conditions complied with, the money shall be accepted into notarial custody upon its crediting on the special account, unless stipulated otherwise in the report or in this law. The notary shall inform the depositor of the acceptance of the money into notarial custody, and in the event of notarial custody for the purpose of securing a debt, also the recipient, and in the event of notarial custody of rent, also the lessor, as soon as it learns from the bank that the money was credited on the special account. Upon request, the notary shall issue to the recipient or depositor confirmation affixed with his/her signature and imprint of official stamp that the money was accepted into notarial custody and when this occurred. Section 86 (1) and (2) shall not apply.

(3) If the notary does not accept the money into notarial custody, he/she shall issue it to the depositor without undue delay by wire transfer to the account for issuance of money to the depositor.

## Section 88

- (1) The report on notarial custody of money must contain
- a) first name and surname of notary, his/her registered office and designation of special account,
  - b) identification data of the depositor and the recipient, designation of account for the issuance of money to the depositor and identification data on the owner, if not the depositor,
  - c) information on the amount of money and the currency,
  - d) deadline for crediting the money on the special account and the consequences of failing to meet it, if the report is drawn up at a time when the money has yet to be credited on the special account,
  - e) information on the fact that the notary accepted the money into notarial

- custody, if accepted upon drawing up a report,
- f) deadlines or terms and conditions stipulated by the notary for issuance of the money from notarial custody to the recipient and manner of evidencing fulfilment of conditions to the notary,
  - g) information on the duration of notarial custody, deadlines, or terms and conditions stipulated by the notary for issuance of the money from notarial custody to the depositor and manner of evidencing fulfilment of conditions to the notary,
  - h) designation of account or account at a bank or savings and credit cooperative on which the money is or is meant to be issued from notarial custody to the recipient (hereinafter "account for issuance of money to the recipient") and identification data of the owner, if not the recipient,
  - i) date and place of drawing up the report,
  - j) information on the fact that the identity or existence of the depositor or his/her representative was evidenced to the notary, or instead of information on the evidence of identity, information on the fact that the notary knows the depositor or his/her representative personally,
  - k) signature of the depositor or his/her representative,
  - l) imprint of official stamp of the notary and his/her signature.

(2) If the money is to be accepted into notarial custody for the purpose of securing a debt, the report on notarial custody must contain, besides the requisites stated in in subsection 1 (a) to (c), (d) or (e) and (h), (l) and (i) also

- a) information on the fact that the money is or should be accepted into notarial custody for the purpose of securing a debt, designation of the debt and the basis of the debt,
- b) agreement of the depositor and recipient on the deadlines and terms and conditions stipulated by the notary for the issuance of money to the recipient or the depositor and on the manner of fulfilment of conditions of the notary,
- c) agreement on the depositor and the recipient on the duration of the custody,
- d) information on the fact that the identity or existence of the person with whose participation the report was drawn up or his/her representative was evidenced to the notary, or instead of information on the evidence of identity, information on the fact that the notary knows the depositor and the recipient or their representatives personally
- e) signature of the person with whose participation the report was drawn up or his/her representative.

(3) If money is to be accepted into notarial custody of rent, the report on notarial custody must contain, besides the requisites stated in in subsection 1 (a) to (c), (e), (g), (i) to (l), also the identification data of the lessor and the designation of the lease relationship.

(4) The report under subsections 1 and 3 is drawn up with the participation of the depositor; the report under subsection 2 with the participation of the depositor and the recipient or just one of them. If the report under subsection 2 is drawn up with the participation of only the depositor or only the recipient, it shall include

the deadline by which the person who did not participate in the drawing up of the report is obliged to approve the content of the report and to accept without reservation proposals for agreements between the depositor and the recipient contained in the report (hereinafter "approval of report"). Acceptance of money into notarial custody shall occur only after the drawing up of a supplement to the report on approval of report (hereinafter "supplement to the report") with the participation of the party that did not participate in the drawing up of the report, even if the money was credited on the special account earlier. If the money was credited on the special account earlier, the notary shall issue the money without undue delay to the depositor by wire transfer to the account for the issuance of money to the depositor after the vain expiry of the deadline stipulated for approval of the report.

(5) For the drawing up of the report on notarial custody, or the supplement to the report, it is necessary for the depositor or the recipient, in the event of a report under subsection 2, or their representatives, to evidence their identity by means of an official identification document to the notary, if the notary does not know them personally. In the case of legal entities, Section 85 (1) second sentence shall apply accordingly. If identity or existence is not evidenced to the notary, the notary shall not draw up the report on notarial custody or the supplement to the report and shall refuse the request to accept the money into notarial custody. If the money was already credited on the special account, the notary shall issue it to the depositor.

(6) The notary shall issue the prepared report to the depositor and the recipient. The supplement to the report under subsection 4 is part of the report under subsection 2. The supplement to the report may be drawn up upon request by a different notary and a notary with registered office in the Czech Republic.

## Section 89

(1) If fulfilment of the conditions for the issuance of money to the recipient was evidenced to the notary, the notary shall issue the money from notarial custody to the recipient by the stipulated deadline by wire transfer to the account for issuance of the money to the recipient. If money cannot be issued to the recipient on this account and the recipient does not designate another account for the issuance of money at the request of the notary by the deadline stated in the request in writing with officially verified signature or in a supplement to the report on notarial custody, including the identification data of the person who owns it, if this is not the recipient, and the notary issues the money from notarial custody to the depositor under subsection 4.

(2) If the report on notarial custody provides that in the period from the evidencing of the fulfilment of conditions for the issuance money to the recipient until the time of the issuance of the money from notarial custody to the recipient the money in notarial custody belongs to the recipient and the fulfilment of conditions was evidenced or that it belongs to it for other reasons agreed in the report on notarial custody and it is evidenced that it occurred, the notary shall

issue the money from notarial custody to the recipient by the stipulated deadline by wire transfer to the account for the issuance of money to the recipient. If the money in this account cannot be issued to the recipient and the recipient does not designate another account at the request of the notary by the deadline stated in the request in writing with officially verified signature or in a supplement to the report on notarial custody for the issuance of the money to the recipient, including identification data of the person who is its owner, if this is not the recipient, the recipient shall be considered in default towards the notary, and the notary shall place the money in court custody according to special law.

(3) If in the period of the notarial custody the fulfilment of conditions for the issuance money to the recipient is not evidenced to the notary, the notary shall issue the money to the depositor under subsection 4.

(4) If the money is to be issued to the depositor under subsections 1 and 3, and the notary issues it to the depositor by the stipulated deadline by wire transfer to the account for issuance of the money to the depositor. If the money in this account cannot be issued to the depositor and the depositor does not designate another account at the request of the notary by the deadline stated in the request in writing with officially verified signature or in a supplement to the report on notarial custody for the issuance of the money to the depositor, including identification data of the person who is its owner, if this is not the depositor, the depositor shall be considered in default towards the notary, and the notary shall place the money in court custody according to special law.

(5) The notary shall inform the recipient and the depositor about the issuance of money.

(6) The notary shall inform the person of the lessor designated by the depositor in the report on custody about the issuance of the money to the depositor from notarial custody of rent.

#### Section 89a

(1) If not stipulated otherwise in the report on notarial custody, until the time of issuance of the money from notarial custody to the recipient, the money in notarial custody belongs to the depositor. The time of issuance means the moment when the issued monetary amount is credited to the account for the issuance of money to the recipient.

(2) If money is accepted into notarial custody for the purpose of securing a debt, a notary cannot issue the money in the period of the notarial custody to the depositor without the recipient's consent, unless evidence of the fulfilment of the conditions in the report on notarial custody for the issuance of money to the depositor is submitted.

(3) If during the period of the notarial custody the fulfilment of the conditions stipulated in the report on notarial custody for the issuance of money to the recipient was evidenced to the notary and the notary did not issue it to the recipient by the end of the period of notarial custody, the notary shall issue the

money to the recipient or with the recipient's consent to the depositor after the end of the period of notarial custody.

(4) The provisions on notarial custody of rent do not prevent the lessor and the lessee from also proceeding according to the other provisions of Sections 86 to 89a in the event of mutual fulfilment arising from their legal relations.

#### Section 89b

### **Notarial custody of documents for the purpose of their issuance to other persons**

If a document is accepted into notarial custody for the purpose of its issuance to other persons, the notary shall proceed accordingly pursuant to Sections 82 to 89a.

## ***SUBPART FOUR***

### **ISSUANCE OF COUNTERPARTS, COPIES, EXTRACTS AND ATTESTATIONS**

#### Section 90

(1) Counterparts of notarial records are issued unless this law stipulates otherwise. Copies and certified copies of notarial records are only issued if stipulated by this law or special legal regulation.

(2) During the lifetime of the testator, only copies of notarial records of the legal acts of the testator in the event of death, which are stated in Section 35a (1), unless a notarial record on an inheritance agreement or agreement on renunciation of inheritance rights or on its termination, are issued.

(3) If the copy of the notarial record is not made by means of a copy machine, it shall be made in such a way that the text of the notarial record will be followed by the first name, surname, and, if relevant, the academic title and position of the person who drew up and signed the notarial record with the abbreviation "m. p.", and a copy of the imprint of the notary's official stamp with the abbreviation "L. S.", written first names, surnames, and, if relevant, the academic titles of other persons who signed the notarial record with the abbreviation "m. p.", or copies of imprints of stamps appended to the signatures of these other persons with the abbreviation "L. S.".

#### Section 91

(1) Counterparts of notarial records are issued to participants unless the notarial record stipulates otherwise. They also may be issued to other persons provided that all the participants give their consent. However, counterparts of notarial records on certification may be issued to all persons that prove legal interest in its issuance.

(2) After the death of a testator, the notary who keeps the profession of estate administrator or the will containing the profession of the estate administrator or the

executor of the will issues a counterpart of this notarial record to anyone who proves legal interest and the death of the testator. The death may be proved only via a certificate of death or by a declaration of death by the court or their officially verified counterpart.

(3) Copies of notarial records may be issued to persons to whom the counterparts may be issued. Simple copies may be issued to other persons only under the consent given by persons to whom the counterparts may be issued. Copies of notarial records on legal acts of the testator in the event of death, which are stated in Section 35b (1), if not a notarial record on inheritance agreement or agreement on renunciation of inheritance rights or on their repeal, may be issued only to the testator or his/her representative authorized under a power of attorney with officially verified signature.

### Section 92

(1) A counterpart notarial record contains a copy of the notarial record and a supplement which confirms that the counterpart notarial record is a literal counterpart of the notarial record (hereinafter "supplement"). If the notarial record has annexes, the counterpart shall also contain copies of these annexes; the supplement shall confirm that the copies of the annexes also conform literally to the annexes of the notarial record.

(2) In addition to confirmation under subsection 1, the supplement also contains the day, month and year of the creation of the counterpart, the imprint of official stamp of the notary and the signature of the person who made the counterpart notarial record.

### Section 93

(1) An extract can be issued out of a notarial record. An extract from notarial record may concern even some individual legal acts or some individual facts stated in the notarial record. When issuing extracts, the same procedure applies adequately as if issuing counterparts or just the whole notarial record without any annexes or without some of them. The supplement will also state what part of the notarial record or annex the extract is a literal counterpart of or, as the case may be, that it does not contain copies of annexes of the notarial record or some of them.

(2) An extract pursuant to subsection 1, must not cast doubts over the contents of the notarial record from which it has been issued.

### Section 94

(1) Notary may issue an attestation on the facts known from his/her files. Attestation is being issued to participants and further to persons who need it to exercise or defend their rights provided that the participants give their consent.

(2) Attestation describes briefly and aptly the facts to be attested, data on the recipient and the purpose of the attestation, date of its execution, official stamp and



signature of the notary.

#### Section 94a

Counterparts of notarial records, copies of notarial records, extracts from notarial records and confirmation of facts known from the files may also be issued in electronic form. Counterparts of notarial records, extracts from notarial records and confirmation of facts known from the files issued in electronic form are affixed with the qualified electronic signature and qualified electronic time stamp of the issuer. Signature under Section 92 (2) and Section 94 (2) in this case means a qualified electronic signature. The imprint of the notary's official stamp under Section 92 (2) and Section 94 (2) is not required.

### **PART SEVEN OTHER ACTIVITIES OF A NOTARY**

#### **Notification of reservation of the right to seek the ineffectiveness of legal actions**

##### Section 94b

A notary at the request of a creditor shall deliver notification of the creditor on its reservation of right to seek the ineffectiveness of legal actions under the Civil Code (hereinafter "notice of reservation") to the person who the applicant designated as the one towards whom the ineffectiveness of legal actions may be sought.

##### Section 94c

(1) The notary shall draw up a report on the request under Section 94b with the participation of the creditor, which must contain

- a) place and date of drawing up the report,
- b) first name, surname, date of birth a residence address of the creditor, and if the creditor is a legal entity, its name, registered office and identification number, and first name, surname, date of birth and residence address of its present representative,
- c) first name, surname, date of birth and residence address of the person towards whom the notice of reservation is made, and if this is a legal entity, then its name, registered office and identification number,
- d) address to which the notice should be delivered, if different from residence address or registered office,
- e) information on the fact that the notice of reservation was accepted by the notary, and
- f) signature of the creditor, imprint of official stamp of the notary and his/her signature.

(2) The notary shall hand over one copy of the report to the creditor.

(3) The notary is not liable for the content of the notice of reservation.

(4) The notary shall send the notice of reservation to the person stated in subsection 1 (c) within 3 business days of the day of drawing up the report. As soon as the notary learns that the notice of reservation was delivered to this person and when this has occurred, it shall inform the creditor thereof. If the notary does not succeed in delivering the notice of reservation, it shall inform the creditor thereof.

#### Section 94d

(1) The creditor may make the notice of reservation in the report on the application under Section 94b, which must contain

- a) place and date of drawing up the report,
- b) first name, surname, date of birth a residence address of the creditor and, if the creditor is a legal entity, its name, registered office and identification number, and first name, surname, date of birth and residence address of its present representative,
- c) notice of reservation, which must contain the following:
  1. first name, surname, date of birth and residence address of the creditor and, if the creditor is a legal entity, its name, registered office and identification number, and first name, surname, date of birth and residence address of its representative, who makes the notice of reservation on behalf of the creditor,
  2. first name, surname, date of birth and residence address of the person towards whom the notice of reservation is made, and if this is a legal entity, its name, registered office and identification number,
  3. designation of legal actions with regards to which the creditor reserves the right to seek its ineffectiveness,
  4. first name, surname, date of birth and residence address of the creditor's debtor, and if the debtor is a legal entity, its name, registered office and identification number,
  5. designation of creditor's receivables from the debtor,
  6. reservation of the creditor's right to seek the ineffectiveness of the legal actions,
- d) signature of the creditor, imprint of official stamp of the notary and his/her signature.

(2) A notary shall hand over additional copy of the report to the creditor and send another copy of the report to the person stated in subsection 1 c) point 2 within 3 business days of the day of drawing up the report. As soon as the notary learns that the copy of the report was delivered to this person and when this occurred, or if the notary does not succeed in delivering the notice of reservation, he/she shall inform the creditor thereof.

#### Section 94e

(1) The requester of an action under Section 94b is obliged to prove his/her

identity to the notary by means of an official document, if the notary does not know him/her personally. In the case of legal entities, its representative is obliged, in addition to his/her own identity, to prove the existence of the legal entity under Section 64 (1). He/she/it shall proceed accordingly if the representative of the legal entity is another legal entity.

(2) If identity or existence under subsection 1 is not evidenced to the notary, the notary shall refuse to carry out the requested action.

## **PART EIGHT**

### **HANDLING OF FILES AND NOTARIAL RECORDS AND THEIR STORAGE**

#### Section 95

(1) Participants, their attorneys and legal successors are allowed to inspect files and make extracts and copies from and of them.

(2) Another person but the one stated in subsection 1 may inspect the files and make extracts from them and copies of them provided that there are serious reasons for it and unless legitimate interests of the participants may not be affected. When the persons to whom the notary must lend the files as stated in Section 96 exercise this entitlement, the notary shall not ascertain whether or not the terms and conditions stipulated in the first sentence one have been met.

(3) Files related to work pursuant to Section 3, subsection 1, may be inspected only by the notary's client; other persons may inspect these files only under the client's consent.

(4) Persons stated in subsections 1 through 3 may inspect the files in the notary's office and under his/her supervision or under the supervision of the notary's authorized employee. A record on inspection must be made in the file.

#### Section 95a

(1) The notary keeps evidence instruments. When establishing and keeping evidence instruments, the procedure pursuant to the Office Code shall be followed.

(2) Those to whom the notary must lend the files as stated in Section 96 may also inspect the notary's evidence instruments, especially the relevant legalization book, and make copies of them and extracts from them.

#### Section 96

Based on a written request, the notary shall lend his/her files and evidence instruments, in particular a relevant legalization book, related to notarial work to the Ministry, the Chamber, relevant notarial chamber, courts, bodies responsible for penal proceedings, financial authorities and experts appointed for proceedings before a state authority provided that they are unable to submit an expert opinion without the knowledge of the file's contents. The files related to work pursuant to

Section 3, subsection 1, may be lent only under the client's consent.

#### Section 97

(1) If proposed by the participants, the notary shall reconstruct the files that have been completely or partly destroyed or lost. The notary may carry out the reconstruction without the proposal as well.

(2) Notary makes verified counterparts of documents borrowed from the participants, their attorneys at law or their legal successors, from the court, the Land Register or other authority, or from other notary or an expert witness. Each copy must bear a statement saying that the document is to replace a destroyed or a lost document.

(3) Notary may also undertake an inquiry concerning the contents of a document, namely he/she can conduct a hearing of the participants or their legal successors. A record shall be made on the results of the inquiry containing all the circumstances ascertained during the inquiry and the contents of the communications of the participants or their legal successors.

#### Section 98

(1) Notary shall file the dossiers of terminated cases separately according to their types in his/her notarial office.

(2) A notary shall store notarial records in a locked metal cabinet, separate from the files. Notarial records must be placed in the metal cabinet without undue delay after being drawn up.

#### Section 99

(1) The inspection of notarial records is similarly governed by Section 95.

(2) However, during the testator's lifetime, only the participants have the right to consult the notarial record on legal acts of the testator in the event of death, which is stated in Section 35b (1). Section 95 (2) is not applicable.

#### Section 100

(1) If requested, a notary shall lend a notarial record only to the court, the Ministry, the Chamber, or relevant notarial chamber. However, the notarial record on the legal acts of the testator in the event of death, which is stated in Section 35a (1), must not be lent to anybody during the testator's life.

(2) Prior to lending a notarial record, a notary shall make a counterpart using a copy machine, shall verify its conformity with the notarial record under Section 73 (1) and shall file the verified copy of the notarial record instead of the lent notarial record; the application on the basis of which the notarial record was lent shall be attached to it. Also included in the verification clause is information on the fact that a certified copy of the notarial record is made for filing instead of the notarial

record due to its lending under subsection 1.

(3) Throughout the period when the notarial record is lent under subsection 1, the notary shall issue instead of the counterpart of the lent notarial record a counterpart of the filed certified copy of the lent notarial record; a copy of a certified copy of the lent notarial record shall be made by means of a copy machine. The court, Ministry, Chamber or competent notarial chamber can prohibit the issuance of such a counterpart or stop it. Certified copies of a lent notarial record, as well as its counterparts, are public documents if they fulfil the requirements stipulated by this Act.

(4) After the return of a lent notarial record, the notarial record is filed and its certified copy made pursuant to subsection 2 is placed in the file together with the attached application. If the notary issued a counterpart during the period when the notarial record was lent, the filed certified copy of the notarial record is attached to the filed returned notarial record.

## Section 101

(1) A notarial record must not be issued to anyone. This does not apply for notarial records on wills or codicils (hereinafter "notarial record on a will") and its issuance is requested by the person who arranged this form for the event of death (hereinafter "testator").

(2) When issuing a notarial record on a will a notary shall proceed according to the Civil Code. In this procedure the notary shall

- a) make a note on the issued notarial record on a will of a supplement on the issuance of the notarial record information prescribed by special law as well as the date of issuance, the notary's first name, surname, registered office and designation, and affix the supplement with the imprint of the notary's official stamp and sign it,
- b) draw up a report on the issuance of a notarial record of a will together with the testator.

(3) Report on issuance of a notarial record of a will must contain

- a) date and place of drawing up the report,
- b) first name, surname and registered office of the notary who issued the notarial record on a will,
- c) first name, surname and date of birth of the testator and information on the fact that his/her identity was evidenced to the notary or that the notary personally knows the testator,
- d) designation of the notarial record on a will, including the date of its drawing up, the first name, surname and registered office of the notary who drew it up, if this is not the notary who issued it,
- e) information on the fact that the testator requested the issuance of the notarial record on a will,
- f) notification by the notary of the fact that under the Civil Code the issuance of the notarial record on a will is considered retracted as a will or codicil in the

form it was acquired,

- g) signature of the testator, imprint of official stamp of the notary and his/her signature,
- h) other information as stipulated by this law.

(4) To evidence the identity of the testator, Section 64 (1) shall be applied accordingly. If identity is evidenced by means of an identity witness, Section 66 shall apply accordingly. The report must include their first name, surname and date of birth, information on the fact that their identity was evidenced to the notary as well as their declaration on the fact that they know the testator personally. If the identity of the testator is not evidenced to the notary, the notary shall refuse to issue the notarial record on a will.

(5) The notary shall place the report in the file and enter another copy instead of the issued notarial record on a will. The notary shall issue another copy of the report to the testator upon his/her request. Copies of the report are not issued to anyone else.

(6) After issuing the notarial record on a will, the notary shall delete the information on the will or codicil and on its testator from the Register of Legal Acts in the Event of Death; no information will be transferred to the file of information on ended matters in this register.

## Section 102

*repealed*

## Section 103

(1) Notary who has been appointed to a vacant notarial office takes over all notarial records, files, deposits and evidence instruments of the notary who died or was removed from the office.

(2) Official stamps of a notary who died or was removed from the office are taken over by a relevant notarial chamber.

## Section 104

(1) If the vacant notarial office has been closed pursuant to Section 8, all items listed in Section 103, subsection 1, shall be taken over into a deposit by a notary appointed by the relevant notarial chamber.

(2) For takeover of notarial stamps, Section 103, subsection 2, applies.

## Section 105

Notary who took over notarial records and files pursuant to Sections 103 and 104 shall issue counterparts, copies, extracts and attestations. Inspections and lending of these notarial records and files are governed by Section 95 and those Sections following this one herein.

## **PART NINE NOTARIAL FEES**

### Section 106

Notary is entitled a remuneration for his/her work, compensation for lost time and expense compensation; if the notary is a value added tax payer (hereinafter "tax"), then he/she is also entitled to an amount corresponding with the tax the notary has to pay from the remuneration and the compensations pursuant to a special legal regulation.<sup>5d)</sup>

### Section 107

Details concerning the amount and the method of the definition of remuneration, compensation for lost time and expense compensations are provided by the Ministry via a generally binding legal regulation.

### Section 108

Notary's remuneration, compensation for lost time, expense compensation and, if applicable, also the amount corresponding with the tax the notary has to pay from the remuneration and compensations pursuant to a special legal regulation 5d) shall be paid by the person who requests the notarial act. If there are more payers, they share the fee jointly and equitably.

### Section 109

Notary has the right to request an adequate down payment for the remuneration and expense compensation.

## **PART TEN USES OF INFORMATION FROM INFORMATION SYSTEMS AND PERSONAL DATA PROTECTION**

### *SUBPART ONE* **USES OF INFORMATION FROM THE BASIC REGISTER OF CITIZENS AND ADMINISTRATION INFORMATION SYSTEMS**

#### Section 109a

A notary for the purposes of acts which he/she performs under the authority of a court under another legal regulation<sup>2)</sup>, or for notarial activities uses the following reference data Basic Register of Citizens:

- a) surname,
- b) first name or names,
- c) address of residence,
- d) date, place and district of birth; in case of an individual born abroad date, place and country of birth,
- e) date, place and district of death; in case of an individual who died outside the Czech Republic date of death, place and country of death; in case of a court decision on declaration of death date was issued the date of death determined or date the death person did not live past, and the date of legal effect of the decision,
- f) citizenship, or citizenships.

#### Section 109b

(1) A notary for the purposes of acts which he/she performs under the authority of a court under another legal regulation<sup>2)</sup>, or for notarial activities uses the following information from the information system of population records:

- a) first name or names, surnames, including former surname, family name,
- b) date of birth,
- c) gender,
- d) place and district of birth; place and country of birth of the citizen born abroad,
- e) birth number,
- f) citizenship, or citizenships,
- g) address of permanent residence including previous addresses, or address for service in case of delivering pursuant to other legal legislation,
- h) approved assistance contract or representation by household member, including designation of the court which approved the contract or representation, limitation of legal competence, first name or names, surname and birth registration number of the guardian, if not assigned, date, place and district of his/her birth and, for guardians born abroad, place and country of birth; if a body of local authority is appointed guardian, the name and address of its registered office,
- i) first name or names, surname, including former surname father's, mother's birth number, or other legal representative; in case of non-assignment of the birth number name, or names, surnames and date of birth; if a legal entity appointed the guardian, its trade name and registered office,
- j) marital status, date, place and district of marriage, in case of contracting marriage outside the Czech Republic, place and country, effective date of court decision on invalidity of marriage, effective date of court decision on nullity of marriage, date of marriage termination if terminated by death of one of the spouses, or effective date of court decision on declaration of one of the spouses' death and date of death determined, or date the spouse did not live past, or effective date of court decision on marriage divorce,
- k) date and place of entering into registered partnership, effective date of court decision on invalidity or nullity of the partnership, date of termination of registered partnership due to death of one of the partners, or effective date of court decision on declaration of one of the partners' death and date of death determined, or date



the proclaimed dead partner did not live past, or effective date of court decision on registered partnership cancellation,

l) first name or names, surname, including former surname, and birth number of a spouse or a registered partner; if the spouse or the partner is a natural person without birth number, name, or names, surname of the spouse or registered partner and his/her date of birth,

m) first name or names, surname, including former surname, and birth number of a child; if the child is a foreign national without birth number, name, or names, surname of the child and his/her date of birth,

n) the day that was declared in the court's decision on the death sentence as the day of death, or as the day that the deceased did not live past

o) date, place and district of death; in case of death of a citizen outside the Czech Republic, date of death, place and country of death,

p) date appointed in the court decision on declaration of death the date of death, or date the deceased did not live past.

(2) Information available as referential data in the Basic Register of Citizens shall be used from the informative system only if they are in the form preceding the current way.

(3) A notary for the purposes of acts which he/she performs under the authority of a court under another legal regulation<sup>2</sup>), or for notarial activities shall use the following information from the register of birth registration numbers:

- a) first name or names, surname, or surname at birth of holder of birth registration number,
- b) birth registration number,
- c) in case of a change of the birth registration number, the original birth registration number,
- d) date, place and district of birth and for those holding a birth registration number, who were born in a foreign country, the country in which they were born.

### Section 109c

(1) A notary for the purposes of acts which he/she performs under the authority of a court under another legal regulation<sup>2</sup>), or for notarial activities uses the following information from the information system on foreign nationals:

- a) first name or names, surname, surname at birth,
- b) date of birth,
- c) gender,
- d) place and country where the foreign national was born; if the foreign national was born in the Czech Republic, place and district of birth,
- e) birth registration number,
- f) state citizenship or citizenships,
- g) type and address of place of residence in the Czech Republic,
- h) limitations of legal competence,
- i) date, place and district of death; if death occurred outside the Czech Republic,

- the country in which death occurred or the date of death,
- j) the day that was declared in the court's decision on the death sentence as the day of death, or as the day that the deceased did not live past

(2) Data kept as reference data in the basic population register will only be used from the information system on foreign nationals if they are in a form prior to the current state.

#### Section 109d

A notary for the purposes of acts which he/she performs under the authority of a court under another legal regulation<sup>2</sup>), or for notarial activities uses from the information system of evidence of national identity cards on national identity cards and their holders in a manner permitting remote access to the following information:

- a) first name or names, surname,
- b) birth registration number,
- c) place and district of birth, or country of birth if born in a foreign country,
- d) number or, as the case may be, series of national identity card,
- e) date of issuance national identity card,
- f) name of the authority that issued the national identity card,
- g) expiry date of national identity card,
- h) numbers or, as the case may be, a series of lost, stolen, destroyed or invalid national identity cards and the date of the declaration of the loss, theft or destruction of the national identity card

#### Section 109e

A notary for the purposes of acts which he/she performs under the authority of a court under another legal regulation<sup>2</sup>), or for notarial activities uses from the information system of the register of passports and on passports and their holders in a manner permitting remote access to the following information:

- a) first name or names, surname and birth registration number,
- b) place and district of birth, or country of birth if born in a foreign country,
- c) number and type of issued passport,
- d) date of issuance of passport,
- e) date of passport acceptance,
- f) expiry date of passport,
- g) name of authority that issued the passport,
- h) for lost, stolen or invalid passports, the number, type, date of issuance and expiry date of the lost, stolen or invalid passport and the date and place of the notification of its loss or theft.

#### Section 109f

Only data that is necessary to fulfil the task in question can be used in the specific case.

***SUBPART TWO***  
**PERSONAL DATA PROTECTION IN ESTATE PROCEEDINGS**

Section 109g

- (1) The court that has entrusted the notary as a court commissioner with performance of acts in estate proceedings shall observe whether the notary processes personal data in compliance with personal data protection legislation when performing these acts. If the court finds deficiencies, it shall notify the notary and lay down the manner of their eliminating.
- (2) The court that has entrusted the notary as a court commissioner with performance of acts in estate proceedings shall accept instigations regarding processing of personal data conducted by the notary and inform the submitter about the way of settlement of the instigation so that it prevents endangering of
- a) performance of a task in the area of prevention, investigation or detection of criminal offences, prosecution of criminal offences, execution of criminal penalties and protective measures, ensuring security of the Czech Republic, ensuring public policy and internal security, including search for persons and objects,
  - b) proceedings concerning an infraction, disciplinary infraction or conduct having elements of infraction,
  - c) protection of classified information, or
  - d) legitimate interests of a third party.

Section 109h

- (1) The provisions of Articles 12 to 22 and, as far as relevant in relation to them, also the provision of Article 5 of the regulation of the European Parliament and of the Council (EU) 2016/679<sup>6)</sup> shall not apply to personal data processed by notaries within the scope of performance of acts of a judicial commissioner in estate proceedings, if it is necessary for
- a) prevention, investigation or detection of criminal offences, prosecution of criminal offences, execution of criminal penalties and protective measures, ensuring security of the Czech Republic, ensuring public policy and internal security, including search for persons and objects,
  - b) protection of independency of courts and judges,
  - c) protection of data subjects or of rights and freedoms of other persons, or
  - d) the enforcement of civil law claims.

***SUBPART THREE***  
**DATA PROTECTION WITHIN THE SCOPE OF NOTARIAL WORK  
AND OTHER ACTIVITIES**

Section 109i

- (1) The Chamber is entitled to process personal data for the purpose of maintaining, administering and operating the registers, lists or the Register of Securities.
- (2) The notarial chambers and the Chamber are entitled to process personal data for the purpose of keeping the register of notaries, notarial candidates and trainee notaries and for the fulfilment of other duties set out by this Act.
- (3) The notary is entitled to process personal data to the extent necessary for the needs of performance of notarial work, other activities pursuant to Section 3, other activities pursuant to Section 4 and for the purpose of maintaining the record tools.

**PART ELEVEN**  
**OFFENCES**

Section 109j

- (1) A natural person, legal entity or entrepreneur commits an offence if he/she/it:
  - a) performs notarial activity or other activities of a notary under this Act, even though he/she/it is not a person who is authorized to perform this activity under this Act or a special legal regulation, or
  - b) uses the designation "notary", despite not fulfilling the statutory conditions for using such a designation.
- (2) For an offence under paragraph 1 (a) a penalty of up to CZK 3,000,000 may be imposed, and for an offence under paragraph (b) a penalty of up to CZK 200,000.
- (3) For an offence under paragraph 1 (a), a prohibition of activity of up to 1 year may also be imposed together with the penalty.
- (4) Offences under this Act are reviewed by the Ministry.

**PART TWELVE**  
**TRANSITIONAL AND FINAL PROVISIONS**

Section 110

(1) State notaries who have been employed by a relevant regional court on the day of legal effect of the Act herein, shall become, if they agree to it, notaries pursuant to this Act within the circuit of the district court at which they have functioned as state notaries by the day of legal effect of the Act herein.

(2) To the day of the legal effect of the Act herein, the Minister shall establish notarial offices within the circuit of each district court in a quantity corresponding with the number of notaries as stated in subsection 1.

#### Section 111

(1) District courts shall take over the functions of notarial chambers until their bodies are established. The Ministry shall take over the functions of the Chamber until the Chamber is officially established.

(2) No later than 30 days following legal effect of the Act herein, the regional courts shall call a constituent session of the notarial chambers' councils, which appoint the bodies of notarial chambers and the delegates to the assembly. No later than 90 days from the legal effect of the Act herein, the Ministry shall call a constituent session of the assembly, which appoints the bodies of the Chamber.

#### Section 112

(1) If so proposed by the Chamber, the Minister may, within two years following the legal effect of the Act herein, fully include other working experience in law into notarial practice pursuant to Section 7, subsection 2.

(2) Notarial chamber may, within two years from the legal effect of the Act herein, include into the time pursuant to Section 26, subsection 2, a time of practicing other similar activity.

#### Section 113

Counterparts, copies and extracts from notarial records drawn by state notarial office and attestations from the files kept in non-decisive acts of the state notarial office, which are kept at the district court, shall be issued by a notary with the registered office at the district court's address defined by the relevant notarial office for that particular year.

#### Section 114

Chairman of the district court shall divide evenly among the notaries within the circuit of the district court the wills that were deposited by the state notarial office. He shall notify the testators about the deposit of his will upon his request. Notary proceeds as stipulated by Section 84.

#### Section 115

The Act by the Czech National Council no. 2/1969 Coll., on instituting Ministries and other central bodies of the state administration of the Czech Socialistic Republic, as amended, shall be modified as follows:  
In Section 11, subsection 1, the words "and notarial offices" shall be omitted.

## Section 116

The Act herein comes into effect on 1 January, 1993.

*Burešová, in her own writing*  
*Pithart, in his own writing*

### References:

- 1) Section 38 of Act No. 99/1963 Coll., Code of Civil Procedure, as amended.
- 2) e.g Code of Civil Procedure.
- 2a) Act No. 365/2000 Coll., on Information Systems of Public Administration and on the Amendment of Some Other Acts, as amended.
- 3) Section 250l et seq. Code of Civil Procedure.
- 3a) Act No. 300/2008 Coll., on Electronic Actions and Authorized Document Conversion.
- 4) Act No. 65/1965 Coll., Labour Code, as amended.  
Government Regulation of the Czechoslovak Federal Republic No. 121/1990 Coll., on labour relations in the private business of citizens, as amended.
- 4a) Section 143a Civil Code.
- 4b) Section 274 (i) Code of Civil Procedure.
- 4c) Act No. 36/1967 Coll., on Experts and Interpreters, as amended by Act No. 322/2006 Coll.
- 4d) Section 4 of Act No. 82/1998 Coll., on liability for damage caused by the exercise of official authority by a decision or by an incorrect administrative procedure, as amended.
- 4e) Section 200ua Code of Civil Procedure.  
Art. 2 to 4 Regulation of the European Parliament and of the Council (EC) No 805/2004 dated 21 April 2004, establishing a European Enforcement Order for uncontested claims.
- 4f) Act No. 627/2004 Coll., on the European Community.
- 5) Act No. 191/1950 Coll., on Bills of Exchange and Cheques, as amended by Act No. 29/2000 Coll.  
Act No. 365/2000 Coll., on Information Systems of Public Administration and on the Amendment of Some Other Acts, as amended.
- 5a) Section 27a (2) (a) Commercial Code, as amended.
- 5b) *repealed*

5c) Section 38 (1) Code of Civil Procedure.

5d) Act No. 235/2004 Coll., on Value Added Tax.

6) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

7) *repealed*

8) *repealed*

9) *repealed*

### **Transitional provisions**

Art. IX of Act No. 298/2016 Coll., which amends certain laws in connection with the adoption of the Act on Trust Services for Electronic Transactions, Act No. 106/1999 Coll., on Free Access to Information, as amended, and Act No. 121/2000 Coll., on Copyright, on Rights Related to Copyright and on Amending Certain Laws (Copyright Act), as amended

For a period of 2 years from the effective date of this Act, instead of a qualified electronic time stamp pursuant to Section 94a of Act No. 358/1992 Coll., as amended, from the effective date of this Act, using an electronic time stamp issued by a qualified trust services provider is possible.

*(effectiveness: 19 September 2016)*

Art. IV of Act No. 258/2017 Coll., amending Act No. 85/1996 Coll., on Advocacy, as amended, Act No. 358/1992 Coll., on Notaries and their Activities (Notarial Code), as amended, Act No. 120/2001 Coll., on Executors and Execution Activities (Execution Code) and on Amendments to Other Acts, as amended, and Act No. 99/1963 Coll., Code of Civil Procedure, as amended

Higher education in the field of law acquired under the master's degree program Law and Legal Science at a higher education institution in the Czech Republic, higher education obtained before 1 January 1999 at a Faculty of Law, a university with headquarters in the Czech Republic or its legal predecessors shall also be considered for the purposes of appointment of a notary, entry in a list of notarial trainees or a list of notarial candidates

Art. II of Act No. 7/2019 Coll., amending Act. No 358/1992 Coll., on Notaries and their Activities (Notarial Code), as amended

The competitions for appointment of a notary announced before the effective date of this Act shall be finished under current legal regulations.

*(effectiveness: 1 April 2019)*